

1-1 By: Kuempel (Senate Sponsor - Harris) H.B. No. 2555
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Natural Resources; May 4, 2005, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 4, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the humane dispatch of certain game animals and game
1-9 birds.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subchapter C, Chapter 61, Parks and Wildlife
1-12 Code, is amended by adding Section 61.060 to read as follows:

1-13 Sec. 61.060. DEFENSE TO PROSECUTION: HUMANE DISPATCH OF
1-14 CERTAIN GAME ANIMALS AND BIRDS. (a) In this section:

1-15 (1) "Dispatch" means to kill by any humane method.

1-16 (2) "Game animal" has the meaning assigned by Section
1-17 63.001.

1-18 (3) "Game bird" has the meaning assigned by Section
1-19 64.001.

1-20 (b) It is a defense to prosecution for a violation of this
1-21 chapter or of a regulation adopted or proclamation issued under the
1-22 authority of this chapter by the commission that the actor
1-23 dispatched a game animal or game bird that:

1-24 (1) was mortally wounded, not through the actor's
1-25 conduct; or

1-26 (2) behaved in a manner that:

1-27 (A) is inconsistent with the manner in which a
1-28 game animal or game bird that is not diseased typically behaves; and

1-29 (B) leads a reasonable person to believe that the
1-30 game animal or game bird poses a substantial risk of serious harm to
1-31 itself, a person, or other wildlife.

1-32 (c) The commission may adopt rules, including rules
1-33 concerning the disposition of a game animal or a game bird that has
1-34 been dispatched under this section, to implement this section.

1-35 SECTION 2. This Act takes effect immediately if it receives
1-36 a vote of two-thirds of all the members elected to each house, as
1-37 provided by Section 39, Article III, Texas Constitution. If this
1-38 Act does not receive the vote necessary for immediate effect, this
1-39 Act takes effect September 1, 2005.

1-40 * * * * *