

By: Hilderbran

H.B. No. 3572

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the possession of certain dangerous wild animals by a  
3 licensed trapper.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 822.101, Health and Safety Code, is  
6 amended by adding Subdivision (8) to read as follows:

7 (8) "Licensed trapper" means a person who takes a  
8 fur-bearing animal or the pelt of a fur-bearing animal and who is  
9 licensed in accordance with Section 71.005, Parks and Wildlife  
10 Code.

11 SECTION 2. Section 822.102(a), Health and Safety Code, is  
12 amended to read as follows:

13 (a) This subchapter does not apply to:

14 (1) a county, municipality, or agency of the state or  
15 an agency of the United States or an agent or official of a county,  
16 municipality, or agency acting in an official capacity;

17 (2) a research facility, as that term is defined by  
18 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
19 subsequent amendments, that is licensed by the secretary of  
20 agriculture of the United States under that Act;

21 (3) an organization that is an accredited member of  
22 the American Zoo and Aquarium Association;

23 (4) an injured, infirm, orphaned, or abandoned  
24 dangerous wild animal while being transported for care or

1 treatment;

2 (5) an injured, infirm, orphaned, or abandoned  
3 dangerous wild animal while being rehabilitated, treated, or cared  
4 for by a licensed veterinarian, an incorporated humane society or  
5 animal shelter, or a person who holds a rehabilitation permit  
6 issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

7 (6) a dangerous wild animal owned by and in the custody  
8 and control of a transient circus company that is not based in this  
9 state if:

10 (A) the animal is used as an integral part of the  
11 circus performances; and

12 (B) the animal is kept within this state only  
13 during the time the circus is performing in this state or for a  
14 period not to exceed 30 days while the circus is performing outside  
15 the United States;

16 (7) a dangerous wild animal while in the temporary  
17 custody or control of a television or motion picture production  
18 company during the filming of a television or motion picture  
19 production in this state;

20 (8) a dangerous wild animal owned by and in the  
21 possession, custody, or control of a college or university solely  
22 as a mascot for the college or university;

23 (9) a dangerous wild animal while being transported in  
24 interstate commerce through the state in compliance with the Animal  
25 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent  
26 amendments and the regulations adopted under that Act;

27 (10) a nonhuman primate owned by and in the control and

1 custody of a person whose only business is supplying nonhuman  
2 primates directly and exclusively to biomedical research  
3 facilities and who holds a Class "A" or Class "B" dealer's license  
4 issued by the secretary of agriculture of the United States under  
5 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its  
6 subsequent amendments; [~~and~~]

7 (11) a dangerous wild animal that is:

8 (A) owned by or in the possession, control, or  
9 custody of a person who is a participant in a species survival plan  
10 of the American Zoo and Aquarium Association for that species; and

11 (B) an integral part of that species survival  
12 plan; and

13 (12) a cougar, bobcat, or coyote in the possession,  
14 custody, or control of a licensed trapper.

15 SECTION 3. This Act takes effect September 1, 2005.