

By: Harris

S.B. No. 1765

A BILL TO BE ENTITLED

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AN ACT

relating to certain programs and permits administered by the Texas Department of Parks and Wildlife.

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

SECTION 1. Section 43.353, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.353. PERMIT IS DEFENSE. In any prosecution for the unlawful possession or transportation of white-tailed deer or mule deer, the possession of a permit issued under this subchapter to the accused is a complete defense if the conduct was authorized under the terms of the permit a person does not commit an offense unless the person intentionally, knowingly, or with criminal negligence engages in conduct that violates the terms of the permit.

SECTION 2. Section 43.355, Parks and Wildlife Code, is amended to read as follows:

43.355. CONDITIONS OF PERMIT; EXPIRATION; FEES. (a) The department shall issue the scientific breeder's permit under conditions determined by the commission, including specifying the number of white-tailed deer or mule deer that may be possessed and providing for an endorsement by a certified wildlife biologist or another person permitted under this subchapter.

(b) A scientific breeder's permit is valid only during the yearly period for which the permit is issued without regard to the date on which the permit is acquired. Each yearly period begins on

1 September 1 or on another date set by the [~~commission~~] legislature
2 and extends through August 31 of the next year or another date set
3 by the [~~commission~~] legislature.

4 (c) The fee for a scientific breeder's permit is \$50 or an
5 amount set by the [~~commission~~] legislature, whichever amount is
6 more.

7 SECTION 3. Section 43.356, Parks and Wildlife Code, is
8 amended to read as follows:

9 Sec. 43.356. SERIAL NUMBER. (a) The department shall
10 issue a serial number to the applicant at the time of the first
11 issuance of a scientific breeder's permit to the applicant. The
12 same serial number shall be assigned to the permittee whenever he
13 holds a scientific breeder's permit.

14 (b) The scientific breeder shall place a suitable permanent
15 tag or identification microchip implant bearing the scientific
16 breeder's serial number on the ear or in the body of each
17 white-tailed deer or mule deer possessed by the scientific breeder
18 and shall place on the white-tailed deer or mule deer any other
19 identification marking prescribed by the commission.

20 SECTION 4. Section 43.357, Parks and Wildlife Code, is
21 amended to read as follows:

22 Sec. 43.357. PERMIT PRIVILEGES; REGULATIONS. (a) The
23 holder of a valid scientific breeder's permit may:

24 (1) engage in the business of breeding white-tailed
25 deer [~~in the immediate locality for which the license was issued~~];
26 and

27 (2) sell or hold in captivity white-tailed deer or

1 mule deer for the purpose of propagation or sale.

2 (b) The commission may make regulations governing:

3 (1) the possession of white-tailed deer and mule deer
4 for scientific, management, and propagation purposes; and

5 (2) the recapture of lawfully possessed white-tailed
6 deer or mule deer that have escaped from a facility of a scientific
7 breeder.

8 SECTION 5. Section 43.358, Parks and Wildlife Code, is
9 amended to read as follows:

10 Sec. 43.358. INSPECTION. An authorized employee of the
11 department may inspect [~~at any time and without warrant~~] with the
12 consent of the holder of a valid scientific breeder's permit:

13 (1) any pen, coop, or enclosure holding white-tailed
14 deer or mule deer; or

15 (2) any records required to be maintained under
16 Section 43.359(a).

17 SECTION 6. Section 43.359, Parks and Wildlife Code, is
18 amended to read as follows:

19 Sec. 43.359. REPORTS. (a) A scientific breeder shall
20 maintain an accurate record of white-tailed deer and mule deer
21 acquired, purchased, propagated, sold, or disposed of and any other
22 information required by the department that reasonably relates to
23 the regulation of scientific breeders. The record shall be
24 maintained on a form provided by the department.

25 (b) A scientific breeder shall report the information
26 maintained under Subsection (a) to the department annually unless a
27 request is made by the department under Section 43.358.

1 SECTION 7. Section 43.365, Parks and Wildlife Code, is
2 amended to read as follows:

3 Sec. 43.365. PROHIBITED ACTS. It is an offense if a
4 scientific breeder:

5 (1) takes, traps, or captures or attempts to take,
6 trap, or capture white-tailed deer or mule deer from the wild;

7 (2) allows the hunting or killing of a white-tailed
8 deer or mule deer held in captivity under the provisions of this
9 subchapter; or

10 (3) fails to furnish in a reasonable time or manner to
11 a game warden commissioned by the department records required to be
12 maintained under Section 43.359(a).

13 SECTION 8. Section 43.367, Parks and Wildlife Code, is
14 amended to read as follows:

15 Sec. 43.367. PENALTY. A person who knowingly violates a
16 provision of this subchapter, the conditions of a permit, or a
17 regulation of the commission issued under this subchapter or who
18 fails to file a full and complete report as required by Section
19 43.359 of this code or any other permit or document required by this
20 department under this subchapter commits an offense that is a Class
21 C Parks and Wildlife Code misdemeanor.

22 SECTION 9. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.