

BILL ANALYSIS

C.S.H.B. 308
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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the State of Texas does not prohibit any person, including persons who are handicapped, from hunting as long as they have acquired a hunting license from the state and have completed a hunters safety course, if applicable. There are presently 16 states that allow laser sights to be used while hunting. However, under the Parks and Wildlife Code, hunting with the aid of an artificial light, including laser sighting devices, is prohibited in Texas.

Persons who are visually impaired are permitted to hunt game animals and do so with the aid of a person who is not visually impaired. The most common hunting method used for visually impaired hunters is to have the hunter's aid position themselves behind the visually impaired hunter and look through the scope to help position the crosshairs on the animal. Hunting with the use of a laser sighting device could improve the shot of a visually impaired person, thereby making the shot safer with less wounding of game.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Department in Sec. 62.0055, Parks and Wildlife Code.

ANALYSIS

SECTION 1. Amends Sec. 62.005, Parks and Wildlife Code, to make an exception for hunting with a laser sighting device.

SECTION 2. Amends Subchapter A, Chapter 62, Parks and Wildlife Code by adding new Sec. 62.005. Authorizes a person who is legally blind, according to the definition assigned by Sec. 62.104, Government Code, to use a laser sighting device while hunting during regular hunting hours and when assisted by a person who is not legally blind. Requires the legally blind person to carry proof of being legally blind.

SECTION 3. Requires the Parks and Wildlife Commission to adopt rules prescribing what is acceptable proof of being legally blind by January 1, 2008. The Parks and Wildlife Department is prohibited from enforcing the requirement to carry proof of blindness until the Commission adopts the rules that prescribe acceptable proof of being legally blind.

SECTION 4. Effective Date

EFFECTIVE DATE

Effective immediately provided passage under Sect.39, Art. III, Texas Constitution or September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 2: Adds two requirements for the hunter assisting the blind hunter Requires the hunter who is assisting the blind hunter to have a hunting license and be at least 13 years of age. Clarifies that the hunter education requirements in Section 62.014 apply to a hunter under this section.

SECTION 3: Changes the date that the Texas Parks and Wildlife Commission is required to adopt rules prescribing what is acceptable proof of being legally blind from January 1, 2008 to September 1, 2007.

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