

## **BILL ANALYSIS**

Senate Research Center

H.B. 1309  
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Natural Resources  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many residents are unfamiliar with nonnative snakes and there is not a sufficient supply of anti-venom to treat snake bites. Texas currently regulates the possession of many nonnative species that are considered to be harmful to people or the ecosystem. Many other states, including Florida, Ohio, Colorado, and Pennsylvania have laws regulating or outlawing the possession of certain venomous snakes and constrictors.

As proposed, H.B. 1309 requires a permit to be obtained before possessing or transporting nonindigenous venomous snakes or certain constrictors. The bill authorizes an exception for certain individuals under certain conditions. The bill also includes requirements for the Texas Parks and Wildlife Department regarding the permit process and collection of these snakes.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Sections 43.851 and 43.855, Parks and Wildlife Code)

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 43, Parks and Wildlife Code, by adding Subchapter V, as follows:

#### **SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT**

Sec. 43.851. PERMIT. (a) Requires the Parks and Wildlife Commission (commission) by rule to establish permits that allow permit holders to possess or transport in this state a live nonindigenous venomous snake or certain constrictors.

(b) Requires the commission to establish separate permits for recreational and commercial purposes.

(c) Provides that a permit under this subchapter is not required for a state or county official performing an official duty, a licensed zoo that possesses or transports a snake for exhibition or scientific purposes, a research facility, including a university, licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) that possesses or transports a snake for scientific purposes, or a person who assists a Texas Parks and Wildlife Department (TPWD) employee in the handling or transport of a snake under this subchapter.

(d) Prohibits a person, except as provided by Subsection (c), from possessing or transporting in this state a snake described by Subsection (a) without a permit issued by TPWD under this subchapter.

(e) Prohibits a person convicted of a violation of this subchapter or a rule adopted under this subchapter from obtaining a permit before the fifth anniversary of the date of the conviction.

Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. Authorizes an authorized TPWD employee to inspect at any time and without a warrant a permit or any records required by this subchapter.

Sec. 43.853. **RELEASE FROM CAPTIVITY.** Prohibits a person from intentionally, knowingly, recklessly, or with criminal negligence releasing or allowing the release from captivity of a snake covered by this subchapter.

Sec. 43.854. **SEIZURE OF CONTRABAND; FINANCIAL RESPONSIBILITY.** (a) Authorizes TPWD to arrange for the seizure and removal of a snake covered by this subchapter from a person who possesses the snake without the required permit. Provides that the person is responsible for any costs incurred by TPWD in the seizure, removal, and disposition of the snake.

(b) Provides that a TPWD employee is not required to handle, remove, or dispose of the snake.

(c) Authorizes TPWD to contract with a person who has knowledge of or expertise in the handling of a snake covered by this subchapter to assist TPWD in the handling, removal, and disposition of the snake.

(d) Provides that TPWD, including an enforcement officer of TPWD, who acts under this section is not liable in a civil action for the seizure, sale, donation, or other disposition of the snake.

Sec. 43.855. **RULES.** Authorizes the commission to adopt rules to implement this subchapter, including rules to govern the possession or transport of a snake covered by this subchapter; permit application forms, fees and procedures; the release of the snake; reports that TPWD is authorized to require a permit holder to submit to TPWD; and other matters the commission considers necessary.

Sec. 43.856. **OFFENSE.** (a) Provides that, except as provided by Subsection (c), a person who violates this subchapter or a rule adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(b) Provides that a person who violates Section 43.853 or a rule adopted to implement Section 43.853 commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

**SECTION 2.** (a) Requires the House Committee on Culture, Recreation, and Tourism (committee) to conduct a study to determine whether this state should permit the possession of nonindigenous venomous snakes and nonindigenous constrictors, as provided by Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act.

(b) Requires the study to include certain information.

(c) Requires the committee, not later than November 1, 2008, to report its findings to the governor, the executive directors of TPWD and the Department of Agriculture, and each member of the committee.

**SECTION 3.** (a) Requires the commission to adopt the rules necessary under Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act, not later than April 1, 2008.

(b) Requires TPWD to begin issuing permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act, not later than April 1, 2008.

**SECTION 4.** Effective date, except as provided by Subsection (b) of this section: September 1, 2007.

(b) Provides that Sections 43.851(d) and 43.856, Parks and Wildlife Code, as added by this Act, take effect April 1, 2008.