

## **BILL ANALYSIS**

C.S.H.B. 1309  
By: Hilderbran  
Culture, Recreation, & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently there is no statewide regulation of non-indigenous dangerous and harmful snakes in Texas. Many residents are not familiar with these non-native snakes, and Texas does not have a sufficient supply of anti-venom to treat snake bites. Texas currently regulates the possession of many non-native species that could prove harmful to Texans, our ecosystem, or our environment. Many other states, including Florida, Ohio, Colorado, and Pennsylvania have laws regulating or outlawing the possession of certain live venomous snakes and constrictors. CSHB1309 requires that those who possess or transport non-indigenous live venomous snakes or certain constrictors obtain a permit to do so. The bill further sets up requirements for Texas Parks and Wildlife Department regarding the permit process and collection of the snakes.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Department in SECTION 1 of this bill.

### **ANALYSIS**

SECTION 1. Amends Chapter 43 of the Parks and Wildlife Code by adding Subchapter V regarding a non-indigenous snake permit.

Section 43.851 is added to require Parks and Wildlife Commission to establish a permit regulating possession or transportation of a live nonindigenous venomous snake or one of 5 specified constrictors. The Commission shall establish separate permits for recreation and commercial purposes. The permit is not required for certain specified purposes. This section further prohibits a person from possession or transportation of the snakes described in CSHB1309 without the correct permit. A person in violation of Subchapter V may not obtain a permit before the fifth anniversary of the date of the conviction.

Section 43.852 states that the Department may inspect a permit or records required under Subchapter V.

Section 43.853 states that a person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake stated in the bill.

Section 43.854 allows the department to arrange for the seizure and removal of a snake from a person in violation of the bill at the expense of the violator. The Department is not required to handle, remove, or dispose of the snake, but may contract with another. The Department is not liable in a civil action for the seizure, sale, donation, or other disposition of the snake.

Section 43.855 states that the Commission may adopt rules governing possession or transportation of a snake, permit forms, fees, and procedures, release of snakes, reports that the Department may require of a permit holder, and any other matters deemed necessary.

Section 43.856 provides a penalty for violation as a Class C Parks and Wildlife Code misdemeanor, but violation of Sections 43.853 of Parks and Wildlife Codes results in a Class A Parks and Wildlife Code misdemeanor.

SECTION 2. The House Committee on Culture, Recreation, and Tourism shall conduct a study to determine whether this state should permit the possession of nonindigenous venous snakes and nonindigenous constrictors, and the study requirements are delineated. The committee shall reports its findings not later than November 1, 2008 to the governor, the executive directors of the Parks and Wildlife Department, the Department of Agriculture, and each committee members.

SECTION 3. States that the Parks and Wildlife Commission shall adopt rules under Subchapter V, Chapter 43, of the Parks and Wildlife Code not later than April 1, 2008, and shall begin issuing permits under this Subchapter not later than April 1, 2008.

SECTION 4. Effective Date

**EFFECTIVE DATE**

Sections 43.851(c) and 43.856 take effect April 1, 2008. The remainder of CSHB1309 takes effect September 1, 2007.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB1309 states that a permit is required for only 5 specific types of nonindigenous constrictors. The Commission shall establish separate permits for recreational and commercial purposes. The substitute requires a circus, carnival, and menagerie to obtain a permit, but states that a person assisting the Department in handling or transporting a snake does not need a permit. A person convicted of violation of the bill may not obtain a permit before the fifth anniversary of the date of the conviction. The substitute allow the Department to inspect a permit or records required under the bill, and states that a person may not release or allow the release of a specified snake from captivity. The department may arrange for the seizure and removal of a snake from a person in violation of the bill at the expense of the violator. The Department is not required to handle, remove, or dispose of the snake, but may contract with another. The Department is not liable in a civil action for the seizure, sale, donation, or other disposition of the snake. The substitute allows the Commission to adopt rules governing possession or transportation of a snake, permit forms, fess, and procedures, release of snakes, reports that the Department may require of a permit holder, and any other matters deemed necessary. The penalty for violation is changed from a Class B to a Class C Parks and Wildlife Code misdemeanor, but violation of Sections 43.853 of Parks and Wildlife Codes results in a Class A Parks and Wildlife Code misdemeanor. The substitute also provides for a study to be conducted by the House Committee on Culture, Recreation, and Tourism, to determine whether the state should permit possession of nonindigenous venomous snakes and constrictors. The deadlines stated in the original bill are changed to April 1, 2008, except the effective date for every Subsection but Subsection (b).