

BILL ANALYSIS

C.S.H.B. 1310
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently the edible portion of many birds, animals, and fish are required, by law, to be kept in an edible condition. Alligators, crustaceans, and mollusks are not included under this law. This bill adds alligators, crustaceans, and mollusks to the Code and provides civil and criminal punishment for those who intentionally, knowingly, recklessly, or with criminal negligence, fail to keep the edible portions of the animals as such.

RULEMAKING AUTHORITY

This bill does not provide rulemaking authority.

ANALYSIS

SECTION 1. Amends Section 12.306 of the Parks and Wildlife Code to include subsection (b) to specify that a criminal prosecution includes the prosecution of an offense under Sections 62.011, 65.0072, or 75.001.

SECTION 2. Modifies Section 62.011(b) of the Parks and Wildlife Code to include the receiving of a game bird, animal, or fish and intentionally, knowingly, recklessly, or with criminal negligence failing to keep the edible portion of the animal as an offense.

SECTION 3. Creates Section 65.0072 to Chapter 65 of the Parks and Wildlife Code, which adds the offence of failing to keep the edible portion of alligator in an edible condition.

SECTION 4. Amends Sections 65.008(c) and (d) to exclude violation of Section 65.0072. Additionally, Section 65.008(d) is amended to specify that the Class A Parks and Wildlife Code misdemeanor under this Chapter requires that the defendant must have been convicted of a violation of Chapter 65 on two or more previous occasions.

SECTION 5. Includes Chapter 75, which includes language regarding wasting of crustaceans or mollusks and providing a penalty of a Class C Parks and Wildlife Misdemeanor.

SECTION 6. Effective Date

EFFECTIVE DATE

This Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB1310 includes Section 62.011(b) of the Parks and Wildlife Code and modifies it to include the receiving of a game bird, animal, or fish and intentionally, knowingly, recklessly, or with criminal negligence failing to keep the edible portion of the animal as an offense.