

By: Hilderbran

H.B. No. 1309

Substitute the following for H.B. No. 1309:

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C.S.H.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to the possession or transportation of certain snakes that are not indigenous to this country; providing a penalty.

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

SECTION 1. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT

Sec. 43.851. PERMIT. (a) The commission by rule shall establish permits that allow permit holders to possess or transport in this state a live nonindigenous:

(1) venomous snake; or

(2) constrictor that is one of the following:

(A) African rock python, *Python sebae*;

(B) Asiatic rock python, *Python molurus*;

(C) green anaconda, *Eunectes murinus*;

(D) reticulated python, *Python reticulatus*; or

(E) southern African python, *Python natalensis*.

(b) The Commission shall establish separate permits for recreational and commercial purposes.

(c) A permit under this subchapter is not required for:

(1) a state or county official performing an official duty;

(2) a licensed zoo that possesses or transports a snake for exhibition or scientific purposes;

1 (3) a research facility, including a university,
2 licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et
3 seq.) that possesses or transports a snake for scientific purposes;
4 or

5 (4) a person who assists a department employee in the
6 handling or transport of a snake under this subchapter.

7 (d) Except as provided by Subsection (b), a person may not
8 possess or transport in this state a snake described by Subsection
9 (a) without a permit issued by the department under this
10 subchapter.

11 (e) A person convicted of a violation of this subchapter or
12 a rule adopted under this subchapter may not obtain a permit before
13 the fifth anniversary of the date of the conviction.

14 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An
15 authorized department employee may inspect at any time and without
16 a warrant a permit or any records required by this subchapter.

17 Sec. 43.853. RELEASE FROM CAPTIVITY. A person may not
18 intentionally, knowingly, recklessly, or with criminal negligence
19 release or allow the release from captivity of a snake covered by
20 this subchapter.

21 Sec. 43.854. SEIZURE OF CONTRABAND; FINANCIAL
22 RESPONSIBILITY. (a) The department may arrange for the seizure and
23 removal of a snake covered by this subchapter from a person who
24 possesses the snake without the required permit. The person is
25 responsible for any costs incurred by the department in the
26 seizure, removal, and disposition of the snake.

27 (b) A department employee is not required to handle, remove,

1 or dispose of the snake.

2 (c) The department may contract with a person who has
3 knowledge of or expertise in the handling of a snake covered by this
4 subchapter to assist the department in the handling, removal, and
5 disposition of the snake.

6 (d) The department, including an enforcement officer of the
7 department, who acts under this section is not liable in a civil
8 action for the seizure, sale, donation, or other disposition of the
9 snake.

10 Sec. 43.855. RULES. The commission may adopt rules to
11 implement this subchapter, including rules to govern:

12 (1) the possession or transport of a snake covered by
13 this subchapter;

14 (2) permit application forms, fees, and procedures;

15 (3) the release of the snake;

16 (4) reports that the department may require a permit
17 holder to submit to the department; and

18 (5) other matters the commission considers necessary.

19 Sec. 43.856. OFFENSE. (a) Except as provided by Subsection
20 (b), a person who violates this subchapter or a rule adopted under
21 this subchapter commits an offense that is a Class C Parks and
22 Wildlife Code misdemeanor.

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

26 SECTION 2. (a) The House Committee on Culture, Recreation,
27 and Tourism shall conduct a study to determine whether this state

1 should permit the possession of nonindigenous venomous snakes and
2 nonindigenous constrictors as provided by Subchapter V, Chapter 43,
3 Parks and Wildlife Code, as added by this Act.

4 (b) The study must include:

5 (1) a comparison of laws regulating nonindigenous
6 snakes in other states;

7 (2) alternative methods of regulating the possession
8 of nonindigenous snakes;

9 (3) the economic, environmental, and other effects of
10 allowing nonindigenous snakes to be held in the state, including:

11 (A) the potential to harbor and spread diseases
12 or parasites, or other adverse effects; and

13 (B) the economic and other benefits to this state
14 that may be obtained by regulating the trade in nonindigenous
15 snakes; and

16 (4) other related matters the committee finds useful.

17 (c) Not later than November 1, 2008, the committee shall
18 report its findings to the governor, the executive directors of the
19 Parks and Wildlife Department and the Department of Agriculture,
20 and each member of the committee.

21 SECTION 3. (a) The Parks and Wildlife Commission shall
22 adopt the rules necessary under Subchapter V, Chapter 43, Parks and
23 Wildlife Code, as added by this Act, not later than April 1, 2008.

24 (b) The Parks and Wildlife Department shall begin issuing
25 permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as
26 added by this Act, not later than April 1, 2008.

27 SECTION 4. (a) Except as provided by Subsection (b) of this

1 section, this Act takes effect September 1, 2007.

2 (b) Sections 43.851(c) and 43.856, Parks and Wildlife Code,
3 as added by this Act, take effect April 1, 2008.