

1-1 By: Hilderbran (Senate Sponsor - Seliger) H.B. No. 1309
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 22, 2007, reported favorably by the following vote:
1-5 Yeas 6, Nays 2; May 22, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the possession or transportation of certain snakes that
1-9 are not indigenous to this country; providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 43, Parks and Wildlife Code, is amended
1-12 by adding Subchapter V to read as follows:

1-13 SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT

1-14 Sec. 43.851. PERMIT. (a) The commission by rule shall
1-15 establish permits that allow permit holders to possess or transport
1-16 in this state a live nonindigenous:

1-17 (1) venomous snake; or

1-18 (2) constrictor that is one of the following:

1-19 (A) African rock python, *Python sebae*;

1-20 (B) Asiatic rock python, *Python molurus*;

1-21 (C) green anaconda, *Eunectes murinus*;

1-22 (D) reticulated python, *Python reticulatus*; or

1-23 (E) southern African python, *Python natalensis*.

1-24 (b) The commission shall establish separate permits for
1-25 recreational and commercial purposes.

1-26 (c) A permit under this subchapter is not required for:

1-27 (1) a state or county official performing an official
1-28 duty;

1-29 (2) a licensed zoo that possesses or transports a
1-30 snake for exhibition or scientific purposes;

1-31 (3) a research facility, including a university,
1-32 licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et
1-33 seq.) that possesses or transports a snake for scientific purposes;
1-34 or

1-35 (4) a person who assists a department employee in the
1-36 handling or transport of a snake under this subchapter.

1-37 (d) Except as provided by Subsection (c), a person may not
1-38 possess or transport in this state a snake described by Subsection
1-39 (a) without a permit issued by the department under this
1-40 subchapter.

1-41 (e) A person convicted of a violation of this subchapter or
1-42 a rule adopted under this subchapter may not obtain a permit before
1-43 the fifth anniversary of the date of the conviction.

1-44 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An
1-45 authorized department employee may inspect at any time and without
1-46 a warrant a permit or any records required by this subchapter.

1-47 Sec. 43.853. RELEASE FROM CAPTIVITY. A person may not
1-48 intentionally, knowingly, recklessly, or with criminal negligence
1-49 release or allow the release from captivity of a snake covered by
1-50 this subchapter.

1-51 Sec. 43.854. SEIZURE OF CONTRABAND; FINANCIAL
1-52 RESPONSIBILITY. (a) The department may arrange for the seizure and
1-53 removal of a snake covered by this subchapter from a person who
1-54 possesses the snake without the required permit. The person is
1-55 responsible for any costs incurred by the department in the
1-56 seizure, removal, and disposition of the snake.

1-57 (b) A department employee is not required to handle, remove,
1-58 or dispose of the snake.

1-59 (c) The department may contract with a person who has
1-60 knowledge of or expertise in the handling of a snake covered by this
1-61 subchapter to assist the department in the handling, removal, and
1-62 disposition of the snake.

1-63 (d) The department, including an enforcement officer of the
1-64 department, who acts under this section is not liable in a civil

2-1 action for the seizure, sale, donation, or other disposition of the
2-2 snake.

2-3 Sec. 43.855. RULES. The commission may adopt rules to
2-4 implement this subchapter, including rules to govern:

2-5 (1) the possession or transport of a snake covered by
2-6 this subchapter;

2-7 (2) permit application forms, fees, and procedures;

2-8 (3) the release of the snake;

2-9 (4) reports that the department may require a permit
2-10 holder to submit to the department; and

2-11 (5) other matters the commission considers necessary.

2-12 Sec. 43.856. OFFENSE. (a) Except as provided by Subsection
2-13 (c), a person who violates this subchapter or a rule adopted under
2-14 this subchapter commits an offense that is a Class C Parks and
2-15 Wildlife Code misdemeanor.

2-16 (b) A person who violates Section 43.853 or a rule adopted
2-17 to implement Section 43.853 commits an offense that is a Class A
2-18 Parks and Wildlife Code misdemeanor.

2-19 SECTION 2. (a) The House Committee on Culture, Recreation,
2-20 and Tourism shall conduct a study to determine whether this state
2-21 should permit the possession of nonindigenous venomous snakes and
2-22 nonindigenous constrictors as provided by Subchapter V, Chapter 43,
2-23 Parks and Wildlife Code, as added by this Act.

2-24 (b) The study must include:

2-25 (1) a comparison of laws regulating nonindigenous
2-26 snakes in other states;

2-27 (2) alternative methods of regulating the possession
2-28 of nonindigenous snakes;

2-29 (3) the economic, environmental, and other effects of
2-30 allowing nonindigenous snakes to be held in the state, including:

2-31 (A) the potential to harbor and spread diseases
2-32 or parasites, or other adverse effects; and

2-33 (B) the economic and other benefits to this state
2-34 that may be obtained by regulating the trade in nonindigenous
2-35 snakes; and

2-36 (4) other related matters the committee finds useful.

2-37 (c) Not later than November 1, 2008, the committee shall
2-38 report its findings to the governor, the executive directors of the
2-39 Parks and Wildlife Department and the Department of Agriculture,
2-40 and each member of the committee.

2-41 SECTION 3. (a) The Parks and Wildlife Commission shall
2-42 adopt the rules necessary under Subchapter V, Chapter 43, Parks and
2-43 Wildlife Code, as added by this Act, not later than April 1, 2008.

2-44 (b) The Parks and Wildlife Department shall begin issuing
2-45 permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as
2-46 added by this Act, not later than April 1, 2008.

2-47 SECTION 4. (a) Except as provided by Subsection (b) of this
2-48 section, this Act takes effect September 1, 2007.

2-49 (b) Sections 43.851(d) and 43.856, Parks and Wildlife Code,
2-50 as added by this Act, take effect April 1, 2008.

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