

By: Hilderbran

H.B. No. 1310

A BILL TO BE ENTITLED

AN ACT

relating to the wasting of certain game, alligators, and shellfish;
imposing penalties.

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

SECTION 1. Section 12.306, Parks and Wildlife Code, is
amended to read as follows:

Sec. 12.306. BOTH CIVIL SUIT AND CRIMINAL PROSECUTION
PERMISSIBLE. (a) The pendency or determination of a suit brought
under this subchapter or the pendency or determination of a
criminal prosecution for the same killing, catching, taking,
possession, or injury does not bar the other action.

(b) For purposes of Subsection (a), a criminal prosecution
includes the prosecution of an offense under Section 62.011,
65.0072, or 75.001.

SECTION 2. Section 62.011(b), Parks and Wildlife Code, is
amended to read as follows:

(b) Except as provided by Subsection (c), it is an offense
if a person intentionally takes or receives a game bird, game
animal, or a fish and intentionally, knowingly, or recklessly, or
with criminal negligence, fails to keep the edible portions of the
bird, animal, or fish in an edible condition.

SECTION 3. Chapter 65, Parks and Wildlife Code, is amended
by adding Section 65.0072 to read as follows:

Sec. 65.0072. WASTE OF ALLIGATOR. It is an offense if a

1 person intentionally takes an alligator and intentionally,
2 knowingly, or recklessly, or with criminal negligence, fails to
3 keep the edible portions of the alligator in an edible condition.

4 SECTION 4. Sections 65.008(c) and (d), Parks and Wildlife
5 Code, are amended to read as follows:

6 (c) If it is shown at the trial of the defendant that he has
7 been once before convicted of a violation of this chapter other than
8 a violation of Section 65.0072, the offense is a Class B Parks and
9 Wildlife Code misdemeanor.

10 (d) If it is shown at the trial of the defendant that he has,
11 two or more previous times, been convicted of a violation of this
12 chapter other than a violation of Section 65.0072 [~~two or more~~
13 ~~previous times~~], the offense is a Class A Parks and Wildlife Code
14 misdemeanor.

15 SECTION 5. Subtitle D, Title 5, Parks and Wildlife Code, is
16 amended by adding Chapter 75 to read as follows:

17 CHAPTER 75. GENERAL PROVISIONS

18 Sec. 75.001. WASTE OF CRUSTACEANS OR MOLLUSKS. (a) It is
19 an offense if a person intentionally takes a crustacean or mollusk,
20 the taking of which is regulated under Chapter 76, 77, or 78, and
21 intentionally, knowingly, or recklessly, or with criminal
22 negligence, fails to keep the edible portions of the crustacean or
23 mollusk in an edible condition.

24 (b) An offense under this section is a Class C Parks and
25 Wildlife misdemeanor.

26 SECTION 6. This Act takes effect September 1, 2007.