

By: Hilderbran (Senate Sponsor - Hegar) H.B. No. 1310
(In the Senate - Received from the House April 16, 2007;
April 17, 2007, read first time and referred to Subcommittee on
Agriculture, Rural Affairs and Coastal Resources; May 19, 2007,
reported adversely, with favorable Committee Substitute from
Committee on Natural Resources by the following vote: Yeas 11,
Nays 0; May 19, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 1310 By: Hegar

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

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

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

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

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

CHAPTER 75. GENERAL PROVISIONS

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

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

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

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