

By: Hughes

H.B. No. 3134

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the applicability of the offense of criminal trespass  
3 in certain situations involving hunting.

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

5 SECTION 1. Section 30.05, Penal Code, is amended by adding  
6 Subsection (k) to read as follows:

7 (k) It is a defense to prosecution under this section that  
8 the actor entered the property of another, including forest land or  
9 agricultural land, to retrieve a dog used by the actor for hunting  
10 that strayed onto the property if:

11 (1) immediately preceding the actor's entry on the  
12 property, the actor was using the dog to hunt on land contiguous to  
13 the property;

14 (2) the actor did not carry a firearm or any other  
15 deadly weapon on the property; and

16 (3) the actor immediately returned to the land on  
17 which the actor was hunting after retrieving the dog.

18 SECTION 2. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 covered by the law in effect when the offense was committed, and the  
22 former law is continued in effect for that purpose. For the  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense was

1 committed before that date.

2 SECTION 3. This Act takes effect September 1, 2007.