By: Hilderbran   H.B. No. 3845

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the possession, custody, or control of a cougar,

3   bobcat, or coyote.

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

5   SECTION 1. Section 822.102(a), Health and Safety Code, is

6   amended to read as follows:

7   (a) This subchapter does not apply to:

8   (1) a county, municipality, or agency of the state or

9   an agency of the United States or an agent or official of a county,

10   municipality, or agency acting in an official capacity;

11   (2) a research facility, as that term is defined by

12   Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its

13   subsequent amendments, that is licensed by the secretary of

14   agriculture of the United States under that Act;

15   (3) an organization that is an accredited member of

16   the American Zoo and Aquarium Association;

17   (4) an injured, infirm, orphaned, or abandoned

18   dangerous wild animal while temporarily being transported for care

19   or treatment;

20   (5) an injured, infirm, orphaned, or abandoned

21   dangerous wild animal while being rehabilitated, treated, or cared

22   for temporarily by a licensed veterinarian [, an incorporated

23   humane society or animal shelter,] or a person who holds a

24   rehabilitation permit issued under Subchapter C, Chapter 43, Parks

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1 and Wildlife Code, for the specific animal species involved;

2 (6) a dangerous wild animal owned by and in the custody

3 and control of a transient circus company that is not based in this

4 state if:

5 (A) the animal is used as an integral part of the

6 circus performances; and

7 (B) the animal is kept within this state only

8 during the time the circus is performing in this state or for a

9 period not to exceed 30 days while the circus is performing outside

10 the United States;

11 (7) a dangerous wild animal while in the temporary

12 custody or control of a television or motion picture production

13 company during the filming of a television or motion picture

14 production in this state;

15 (8) a dangerous wild animal owned by and in the

16 possession, custody, or control of a college or university solely

17 as a mascot for the college or university;

18 (9) a dangerous wild animal while being transported in

19 interstate commerce through the state in compliance with the Animal

20 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent

21 amendments and the regulations adopted under that Act;

22 (10) a nonhuman primate owned by and in the control and

23 custody of a person whose only business is supplying nonhuman

24 primates directly and exclusively to biomedical research

25 facilities and who holds a Class "A" or Class "B" dealer's license

26 issued by the secretary of agriculture of the United States under

27 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its

1   subsequent amendments;

2   (11) a dangerous wild animal that is:

3   (A) owned by or in the possession, control, or

4   custody of a person who is a participant in a species survival plan

5   of the American Zoo and Aquarium Association for that species; and

6   (B) an integral part of that species survival

7   plan; and

8   (12) [~~in a county west of the Pecos River that has a~~

9   ~~population of less than 25,000,~~] a cougar, bobcat, or coyote in the

10   possession, custody, or control of a person who, as part of a

11   predator or depredation control activity:

12   (A) [~~that~~] has trapped or captured the cougar,

13   bobcat, or coyote;

14   (B) transfers the cougar, bobcat, or coyote to a

15   person permitted to receive the cougar, bobcat, or coyote under

16   this section; or

17   (C) specializes in lure production or dog

18   training as those activities relate to a predator or depredation

19   control activity [~~as part of a predator or depredation control~~

20   ~~activity~~].

21   SECTION 2. If a rabies quarantine is in effect at any time

22   for a cougar, bobcat, or coyote, this Act will not apply to the

23   animal under quarantine, for the duration of the quarantine.

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