

By: Hilderbran

H.B. No. 3845

Substitute the following for H.B. No. 3845:

By: Hilderbran

C.S.H.B. No. 3845

A BILL TO BE ENTITLED

AN ACT

relating to the possession, custody, or control of a cougar,  
bobcat, or coyote.

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

SECTION 1. Section 822.102(a), Health and Safety Code, is  
amended to read as follows:

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or  
an agency of the United States or an agent or official of a county,  
municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by  
Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
subsequent amendments, that is licensed by the secretary of  
agriculture of the United States under that Act;

(3) an organization that is an accredited member of  
the American Zoo and Aquarium Association;

(4) an injured, infirm, orphaned, or abandoned  
dangerous wild animal while temporarily being transported for care  
or treatment;

(5) an injured, infirm, orphaned, or abandoned  
dangerous wild animal while being rehabilitated, treated, or cared  
for by a licensed veterinarian or a person who holds a  
rehabilitation permit issued under Subchapter C, Chapter 43, Parks  
and Wildlife Code, for the specific animal species involved;

1           (6) a dangerous wild animal owned by and in the custody  
2 and control of a transient circus company that is not based in this  
3 state if:

4                   (A) the animal is used as an integral part of the  
5 circus performances; and

6                   (B) the animal is kept within this state only  
7 during the time the circus is performing in this state or for a  
8 period not to exceed 30 days while the circus is performing outside  
9 the United States;

10           (7) a dangerous wild animal while in the temporary  
11 custody or control of a television or motion picture production  
12 company during the filming of a television or motion picture  
13 production in this state;

14           (8) a dangerous wild animal owned by and in the  
15 possession, custody, or control of a college or university solely  
16 as a mascot for the college or university;

17           (9) a dangerous wild animal while being transported in  
18 interstate commerce through the state in compliance with the Animal  
19 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent  
20 amendments and the regulations adopted under that Act;

21           (10) a nonhuman primate owned by and in the control and  
22 custody of a person whose only business is supplying nonhuman  
23 primates directly and exclusively to biomedical research  
24 facilities and who holds a Class "A" or Class "B" dealer's license  
25 issued by the secretary of agriculture of the United States under  
26 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its  
27 subsequent amendments;

1 (11) a dangerous wild animal that is:

2 (A) owned by or in the possession, control, or  
3 custody of a person who is a participant in a species survival plan  
4 of the American Zoo and Aquarium Association for that species; and

5 (B) an integral part of that species survival  
6 plan; and

7 (12) [~~in a county west of the Pecos River that has a~~  
8 ~~population of less than 25,000,~~] a cougar, bobcat, or coyote in the  
9 possession, custody, or control of a person who, as part of a  
10 predator or depredation control activity:

11 (A) [~~that~~] has trapped or captured the cougar,  
12 bobcat, or coyote;

13 (B) transfers the cougar, bobcat, or coyote to a  
14 person permitted to receive the cougar, bobcat, or coyote under  
15 this section; or

16 (C) specializes in lure production or dog  
17 training as those activities relate to a predator or depredation  
18 control activity [~~as part of a predator or depredation control~~  
19 ~~activity~~].

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