

BILL ANALYSIS

C.S.H.B. 1805
By: Kuempel
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not prohibit a person, including a person with a physical disability, from hunting as long as the person has acquired a hunting license from the state and completed a hunter safety course. The Parks and Wildlife Code prohibits, with one exception, hunting with the aid of an artificial light, including a laser sighting device. The most common hunting method used by people with certain physical disabilities is to have a hunter's aide take position behind the hunter with a physical disability to help the hunter aim his or her weapon. Hunting with a laser sighting device could improve the accuracy of a hunter with a physical disability, increasing the effectiveness of the shot and reducing the likelihood that the targeted game is only wounded.

C.S.H.B. 1805 authorizes a person with a documented permanent physical disability to use a laser sighting device while hunting during lawful hunting hours in open seasons when assisted by a person who is not a person with a physical disability, has a hunting license, and is at least 13 years old. The bill requires a hunter who is a person with a physical disability to carry proof of being physically disabled.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 1805 amends the Parks and Wildlife Code to add an exception to the prohibition against hunting a game animal or bird protected by the law with the aid of an artificial light, authorizing a person with a physical disability to use a laser sighting device during lawful hunting hours in open season when assisted by a person who is not a person with a physical disability, has a hunting license, and is at least 13 years of age. The bill defines "person with a physical disability" to mean a person with a documented permanent physical disability that renders the person incapable of using a traditional firearm sighting device and provides that a physician's or optometrist's statement certifying the extent of the disability is sufficient documentation. The bill requires a hunter who is a person with a physical disability to carry proof of the disability. The bill makes the provisions relating to a hunter education program applicable to such a hunter.

C.S.H.B. 1805 requires the Parks and Wildlife Commission, not later than September 1, 2009, to adopt rules that prescribe what is acceptable as proof of a physical disability under the bill's provisions and prohibits the Parks and Wildlife Department from enforcing the requirement that a hunter who is a person with a physical disability carry proof of the disability until such rules are adopted.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1805 differs from the original by removing the term "physically disabled person," defined as a person with a documented physical disability that renders the person incapable of using a traditional firearm sighting device, and adding the term "person with a physical disability," defined as a person with a documented permanent physical disability that renders the person incapable of using a traditional firearm sighting device. The substitute adds a provision not in the original to provide that an optometrist's statement certifying the extent of a physical disability is sufficient documentation. The substitute authorizes a hunter who is a person with a physical disability to use a laser sighting device during lawful hunting hours in open seasons, whereas the original authorizes such a hunter to use the device during regular hunting hours.