

## **BILL ANALYSIS**

C.S.H.B. 2680  
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Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Texas law pertaining to the waste of game authorizes law enforcement officials to file criminal charges against an individual for taking game birds, game animals, or fish and failing to keep the edible portions of the bird, animal, or fish in an edible condition. These provisions only apply to a person who takes, rather than takes or possesses, such game.

C.S.H.B. 2680 extends the prohibition against wasting the edible portions of game to include an individual who possesses the game. The bill defines "edible condition" as fit for human consumption, excluding any portion of a game bird, game animal, or fish that is bruised by bullet, shot, or arrow, or otherwise destroyed as a result of harvest; decayed or rotting; or obviously infected or diseased, and defines "edible parts" as the meaty portions of a carcass that are retained for consumption after quartering.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2680 amends the Parks and Wildlife Code to make it an offense for a person to intentionally take or possess, rather than intentionally take, a game bird, game animal, or fish and intentionally, knowingly, recklessly, or with criminal negligence fail to keep the edible portions of the game or fish in an edible condition. The bill clarifies the offense of killing or wounding, while hunting, a desert bighorn sheep, pronghorn antelope, mule deer, or white-tailed deer and intentionally or knowingly failing to make a reasonable effort to retrieve the animal or intentionally, knowingly, recklessly, or with criminal negligence failing to keep the edible parts of the animal in an edible condition, by adding that it is such an offense only if a person kills the animal in violation of provisions relating to the taking of wildlife resources without the consent of the landowner, hunting from vehicles, hunting from a public road or right-of-way, hunting at night, or hunting with the aid of an artificial light. The bill defines "edible condition" and "edible parts."

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2680 removes language from the original making it an offense to take or possess an oyster and fail to keep the edible portions of the oyster in an edible condition.

C.S.H.B. 2680 differs from the original by substituting the term "edible condition" for "edible" and removing an oyster from the applicability of the substituted term.

C.S.H.B. 2680 adds a provision not in the original defining "edible parts" as the meaty portions of a carcass that are retained for consumption after quartering.