

BILL ANALYSIS

S.B. 1121
By: Hegar
Culture, Recreation & Tourism
Committee Report (Unamended)

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.

S.B. 1121 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

S.B. 1121 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.