

BILL ANALYSIS

Senate Research Center
81R8752 SLB-F

S.B. 1582
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Agriculture & Rural Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, while there are state laws that address the illegal possession, trapping, hunting, moving, selling, purchasing, and breeding of white-tailed and mule deer, the penalties for such actions are misdemeanors. If evidence of importation of such deer across state lines is found, the Texas Parks and Wildlife Department can utilize the federal Lacey Act that prohibits the importation or selling of illegally captured or prohibited animals whether in interstate or foreign commerce which carries with it a felony violation. However, the current state misdemeanor penalties for illegally capturing white-tailed or mule deer have not been a sufficient deterrent to prohibit such activities.

As proposed, S.B. 1582 increases, to a state jail felony, the penalties for illegally capturing, transporting or transplanting of a white-tailed or mule deer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.062, Parks and Wildlife Code, as follows:

Sec. 43.062. New heading: PENALTIES. (a) Creates an exception under Subsection (b). Makes a nonsubstantive change.

(b) Provides that a person who violates Section 43.061(a) (relating to the capture, transport, or transplant of any game animal or game bird from the wild without permit) by intentionally capturing, transporting, or transplanting a white-tailed or mule deer without obtaining the required permit or by intentionally violating one or more terms of the permit commits an offense that is a Parks and Wildlife Code state jail felony.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.