

AN ACT

relating to the use of laser sighting devices by hunters who have certain documented disabilities.

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

SECTION 1. Section 62.005, Parks and Wildlife Code, is amended to read as follows:

Sec. 62.005. HUNTING WITH LIGHT. Except as provided by Section 62.0055 or 62.0056, no person may hunt a game animal or bird protected by this code with the aid of an artificial light that casts or reflects a beam of light onto or otherwise illuminates the game animal or bird, including the headlights of a motor vehicle.

SECTION 2. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0056 to read as follows:

Sec. 62.0056. HUNTING WITH LASER SIGHTING DEVICE BY HUNTERS WITH CERTAIN DISABILITIES. (a) In this section, "person with a physical disability" means a person with a documented permanent physical disability that renders the person incapable of using a traditional firearm sighting device. A physician's or optometrist's statement certifying the extent of the disability is sufficient documentation.

(b) A hunter who is a person with a physical disability may use a laser sighting device during lawful hunting hours in open seasons when assisted by a person who:

(1) is not a person with a physical disability;

1 (2) has a hunting license; and

2 (3) is at least 13 years of age.

3 (c) The hunter who is a person with a physical disability
4 must carry proof of the disability.

5 (d) Section 62.014 applies to a hunter under this section.

6 SECTION 3. (a) Not later than September 1, 2009, the Parks
7 and Wildlife Commission shall adopt rules that prescribe what is
8 acceptable as proof of a physical disability under Section 62.0056,
9 Parks and Wildlife Code, as added by this Act.

10 (b) The Parks and Wildlife Department may not enforce
11 Section 62.0056(c), Parks and Wildlife Code, as added by this Act,
12 until the rules adopted under Subsection (a) of this section take
13 effect.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1805 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1805 was passed by the Senate on May 13, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor