

1-1 By: Kuempel, et al. (Senate Sponsor - Estes) H.B. No. 1805
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 7, 2009, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of laser sighting devices by hunters who have
1-9 certain documented disabilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 62.005, Parks and Wildlife Code, is
1-12 amended to read as follows:

1-13 Sec. 62.005. HUNTING WITH LIGHT. Except as provided by
1-14 Section 62.0055 or 62.0056, no person may hunt a game animal or bird
1-15 protected by this code with the aid of an artificial light that
1-16 casts or reflects a beam of light onto or otherwise illuminates the
1-17 game animal or bird, including the headlights of a motor vehicle.

1-18 SECTION 2. Subchapter A, Chapter 62, Parks and Wildlife
1-19 Code, is amended by adding Section 62.0056 to read as follows:

1-20 Sec. 62.0056. HUNTING WITH LASER SIGHTING DEVICE BY HUNTERS
1-21 WITH CERTAIN DISABILITIES. (a) In this section, "person with a
1-22 physical disability" means a person with a documented permanent
1-23 physical disability that renders the person incapable of using a
1-24 traditional firearm sighting device. A physician's or
1-25 optometrist's statement certifying the extent of the disability is
1-26 sufficient documentation.

1-27 (b) A hunter who is a person with a physical disability may
1-28 use a laser sighting device during lawful hunting hours in open
1-29 seasons when assisted by a person who:

1-30 (1) is not a person with a physical disability;

1-31 (2) has a hunting license; and

1-32 (3) is at least 13 years of age.

1-33 (c) The hunter who is a person with a physical disability
1-34 must carry proof of the disability.

1-35 (d) Section 62.014 applies to a hunter under this section.

1-36 SECTION 3. (a) Not later than September 1, 2009, the Parks
1-37 and Wildlife Commission shall adopt rules that prescribe what is
1-38 acceptable as proof of a physical disability under Section 62.0056,
1-39 Parks and Wildlife Code, as added by this Act.

1-40 (b) The Parks and Wildlife Department may not enforce
1-41 Section 62.0056(c), Parks and Wildlife Code, as added by this Act,
1-42 until the rules adopted under Subsection (a) of this section take
1-43 effect.

1-44 SECTION 4. This Act takes effect immediately if it receives
1-45 a vote of two-thirds of all the members elected to each house, as
1-46 provided by Section 39, Article III, Texas Constitution. If this
1-47 Act does not receive the vote necessary for immediate effect, this
1-48 Act takes effect September 1, 2009.

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