

By: Thibaut

H.B. No. 2680

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the retrieval and waste of game birds, game animals,  
3 fish, and oysters; providing a penalty.

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

5 SECTION 1. Section 62.011, Parks and Wildlife Code, is  
6 amended by amending Subsections (b) and (c) and adding Subsection  
7 (d) to read as follows:

8 (b) Except as provided by Subsection (c), it is an offense  
9 if a person intentionally takes or possesses a game bird, game  
10 animal, oyster, or [~~a~~] fish and intentionally, knowingly, [~~or~~]  
11 recklessly, or with criminal negligence, fails to keep the edible  
12 portions of the bird, animal, oyster, or fish in an edible  
13 condition.

14 (c) It is an offense if a person while hunting kills or  
15 wounds a desert bighorn sheep, pronghorn antelope, mule deer, or  
16 white-tailed deer in violation of Section 61.022, 62.003, 62.0031,  
17 62.004, or 62.005 and intentionally or knowingly fails to make a  
18 reasonable effort to retrieve the animal or intentionally,  
19 knowingly, [~~or~~] recklessly, or with criminal negligence fails to  
20 keep the edible parts of the animal in an edible condition.

21 (d) In this section, "edible" means fit for human  
22 consumption. The term does not include any portion of a game bird,  
23 game animal, oyster, or fish that is:

24 (1) bruised by bullet, shot, or arrow, or otherwise

1 destroyed as a result of harvest;

2 (2) decayed or rotting; or

3 (3) obviously infected or diseased.

4 SECTION 2. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 An offense committed before the effective date of this Act is  
7 covered by the law in effect when the offense was committed. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense occurred  
10 before that date.

11 SECTION 3. This Act takes effect September 1, 2009.