

By: Homer

H.B. No. 3117

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the possession, custody, or control of a cougar,
3 bobcat, or coyote.

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

5 SECTION 1. Section 822.102(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) This subchapter does not apply to:

8 (1) a county, municipality, or agency of the state or
9 an agency of the United States or an agent or official of a county,
10 municipality, or agency acting in an official capacity;

11 (2) a research facility, as that term is defined by
12 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its
13 subsequent amendments, that is licensed by the secretary of
14 agriculture of the United States under that Act;

15 (3) an organization that is an accredited member of
16 the American Zoo and Aquarium Association;

17 (4) an injured, infirm, orphaned, or abandoned
18 dangerous wild animal while being transported for care or
19 treatment;

20 (5) an injured, infirm, orphaned, or abandoned
21 dangerous wild animal while being rehabilitated, treated, or cared
22 for by a licensed veterinarian, an incorporated humane society or
23 animal shelter, or a person who holds a rehabilitation permit
24 issued under Subchapter C, Chapter 43, Parks and Wildlife Code, for

1 the species of animal being rehabilitated;

2 (6) a dangerous wild animal owned by and in the custody
3 and control of a transient circus company that is not based in this
4 state if:

5 (A) the animal is used as an integral part of the
6 circus performances; and

7 (B) the animal is kept within this state only
8 during the time the circus is performing in this state or for a
9 period not to exceed 30 days while the circus is performing outside
10 the United States;

11 (7) a dangerous wild animal while in the temporary
12 custody or control of a television or motion picture production
13 company during the filming of a television or motion picture
14 production in this state;

15 (8) a dangerous wild animal owned by and in the
16 possession, custody, or control of a college or university solely
17 as a mascot for the college or university;

18 (9) a dangerous wild animal while being transported in
19 interstate commerce through the state in compliance with the Animal
20 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent
21 amendments and the regulations adopted under that Act;

22 (10) a nonhuman primate owned by and in the control and
23 custody of a person whose only business is supplying nonhuman
24 primates directly and exclusively to biomedical research
25 facilities and who holds a Class "A" or Class "B" dealer's license
26 issued by the secretary of agriculture of the United States under
27 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its

1 subsequent amendments;

2 (11) a dangerous wild animal that is:

3 (A) owned by or in the possession, control, or
4 custody of a person who is a participant in a species survival plan
5 of the American Zoo and Aquarium Association for that species; and

6 (B) an integral part of that species survival
7 plan; and

8 (12) ~~[in a county west of the Pecos River that has a~~
9 ~~population of less than 25,000,]~~ a cougar, bobcat, or coyote in the
10 possession, custody, or control of a person who, as part of a
11 predator or depredation control activity:

12 (A) ~~[that]~~ has trapped or captured the cougar,
13 bobcat, or coyote;

14 (B) transfers the cougar, bobcat, or coyote to a
15 person permitted to receive the cougar, bobcat, or coyote under
16 this section; or

17 (C) specializes in lure production or dog
18 training as those activities relate to a predator or depredation
19 control activity ~~[as part of a predator or depredation control~~
20 ~~activity].~~

21 SECTION 2. This Act takes effect September 1, 2009.