

By: Hunter, et al.

H.B. No. 3977

A BILL TO BE ENTITLED

AN ACT

relating to the capture and transport of certain deer; providing a penalty.

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

SECTION 1. Section 43.0612, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS WHITE-TAILED DEER; PERMIT REQUIRED. (a) In this section:

(1) "Property [,"property] owners' association" has the meaning assigned by Section 202.001, Property Code.

(2) "Qualified individual" means an individual who has a wildlife management plan approved by the department.

(b) The department may issue to a qualified individual, a political subdivision, or a property owners' association a permit authorizing the trapping and transporting of surplus white-tailed deer found on [within] the property owned by the qualified individual or within the boundaries of the political subdivision or the geographic area in which property subject to the property owners' association is located.

(c) Not later than the 30th day before the date of the first planned trapping and transporting of white-tailed deer, a qualified individual, a political subdivision, or a property owners' association shall file with the department an application showing that an overpopulation of white-tailed deer exists on [within] the

1 property owned by the qualified individual or within the boundaries
2 of the political subdivision or the geographic area in which
3 property subject to the property owners' association is located.
4 If the department issues a permit to a requesting qualified
5 individual, political subdivision, or property owners'
6 association, the permit shall contain specific instructions
7 detailing the location to which the trapped white-tailed deer are
8 to be transported or transplanted.

9 (d) After receipt of an application, the department may
10 issue to the qualified individual, political subdivision, or
11 property owners' association a permit specifying:

12 (1) the location to which trapped white-tailed deer
13 must be transported; and

14 (2) the purpose for which the trapped deer are to be
15 used.

16 (e) The department may deny a qualified individual, a
17 political subdivision, or a property owners' association a permit
18 if no suitable destination for the trapped white-tailed deer
19 exists.

20 (f) A qualified individual, a political subdivision, or a
21 property owners' association trapping and transporting
22 white-tailed deer under this section must make reasonable efforts
23 to ensure:

24 (1) safe and humane handling of trapped white-tailed
25 deer; and

26 (2) minimization of human health and safety hazards in
27 every phase of the trapping and transporting of white-tailed deer.

1 (g) A permit issued under this section may authorize a
2 qualified individual, a political subdivision, or a property
3 owners' association to trap and transport white-tailed deer only
4 between October 1 of a year and March 31 of the following year,
5 unless white-tailed deer found on the property owned by the
6 qualified individual or within the boundaries of [~~in~~] the political
7 subdivision or [~~in~~] the geographic area in which property subject
8 to the property owners' association is located pose a threat to
9 human health or safety, in which case the provision of Subsection
10 (e) does not apply and a permit may authorize the qualified
11 individual, political subdivision, or property owners' association
12 to trap and transport white-tailed deer at any time of the year.

13 (h) A permit issued under this section does not entitle a
14 person to take, trap, or possess white-tailed deer found on any
15 privately owned land without the landowner's written permission,
16 unless the permit holder is the landowner.

17 (i) The state is not liable for and may not incur any expense
18 for the trapping and transporting of white-tailed deer under a
19 permit issued under this section.

20 (j) The commission by rule may set and the department may
21 [~~not~~] charge a fee not to exceed \$300 for a white-tailed deer
22 trapping and transporting permit issued under this section.

23 (k) The commission may adopt rules necessary for the
24 implementation of this chapter, including rules which enhance the
25 opportunity to relocate overpopulation of urban deer and relating
26 to required notification, record-keeping, permit conditions, and
27 the disposition of trapped white-tailed deer. The commission shall

1 adopt rules for determining the circumstances under which a
2 qualified individual, political subdivision, or property owners'
3 association may obtain a permit issued under this section.

4 SECTION 2. (a) Section 43.062, Parks and Wildlife Code, is
5 amended to read as follows:

6 Sec. 43.062. PENALTIES [~~PENALTY~~]. (a) Except as provided
7 by Subsection (b), a [A] person who violates any provision of this
8 subchapter or the terms of a permit issued under this subchapter
9 commits an offense that is a Class B Parks and Wildlife Code
10 misdemeanor.

11 (b) A person who violates Section 43.061(a) by
12 intentionally capturing, transporting, or transplanting a
13 white-tailed or mule deer without obtaining the required permit or
14 by intentionally violating one or more terms of the permit commits
15 an offense that is a Parks and Wildlife Code state jail felony.

16 (b) Section 43.062, Parks and Wildlife Code, as amended by
17 this section, applies only to an offense committed on or after the
18 effective date of this Act. For purposes of this subsection, an
19 offense is committed before the effective date of this Act if any
20 element of the offense occurs before that date. An offense
21 committed before the effective date of this Act is covered by the
22 law in effect when the offense was committed, and the former law is
23 continued in effect for that purpose.

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