

BILL ANALYSIS

C.S.H.B. 3808
By: King, Tracy O.
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In response to the concerns of landowners about individuals discharging firearms or shooting arrows from bows on the landowners' properties along waterways in certain counties, a recent legislature enacted legislation prohibiting the discharge of such weapons along certain navigable rivers and streams in Texas. That statutory provision, however, unintentionally prohibited bowfishing, which involves spearing fish by discharging a barbed fishing arrow from a bow equipped with a reel. C.S.H.B. 3808 proposes to correct the unintended effect of that law by authorizing a person to engage in bowfishing under certain conditions, while maintaining the prohibition against discharging other weapons that do not meet the legal requirements for bowfishing.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3808 amends the Parks and Wildlife Code to prohibit an individual engaging in fishing using archery equipment from possessing while fishing an arrow equipped with fletching of any kind, an unbarbed arrow, or a bow that is not equipped with a reel and line. The bill includes an individual engaging in fishing using archery equipment, if the individual is in compliance with the bill's provisions, among the exemptions from the prohibition against discharging a firearm or shooting an arrow from any kind of bow if the person is located in or on the bed or bank of a navigable river or stream located wholly or partly in certain counties at the time the firearm is discharged or the arrow is shot from the bow or if any portion of the ammunition discharged or arrow shot could physically contact the bed or bank of such a waterway. The bill defines "archery equipment" to mean a longbow, recurved bow, compound bow, or crossbow.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3808 contains a provision not included in the original defining "archery equipment" and omits a provision included in the original defining "bowfishing."

C.S.H.B. 3808 contains a provision not included in the original prohibiting an individual engaging in fishing using archery equipment from possessing while fishing an arrow equipped with fletching of any kind, an unbarbed arrow, or a bow that is not equipped with a reel and line.

C.S.H.B. 3808 differs from the original by including an individual engaging in fishing using archery equipment, if the individual is in compliance with the bill's provisions, among the

exemptions from the prohibition against discharging a firearm or shooting an arrow from any kind of bow under specified conditions, whereas the original includes among the exemptions from that prohibition an individual engaging in bowfishing, if the individual has acquired a fishing license and freshwater fishing stamp as required by state law.