

By: Davis of Dallas

H.B. No. 870

A BILL TO BE ENTITLED

1 AN ACT
2 relating to creating an offense for the trapping of wild deer by a
3 deer breeder and to the civil and criminal consequences of engaging
4 in certain conduct associated with deer breeding; providing
5 penalties.

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

7 SECTION 1. Section 43.365, Parks and Wildlife Code, is
8 amended by adding Subsection (c) to read as follows:

9 (c) It is an offense if a deer breeder traps wild deer in
10 this state to breed, sell, or transfer.

11 SECTION 2. Section 43.367, Parks and Wildlife Code, is
12 amended by amending Subsection (b) and adding Subsections (c), (d),
13 and (e) to read as follows:

14 (b) A person who violates Section 43.365 [~~43.365(a)(1)~~]
15 commits an offense that is a Class A Parks and Wildlife Code
16 misdemeanor.

17 (c) A person holding a permit issued under this subchapter
18 is responsible and may be prosecuted for a Class A Parks and
19 Wildlife Code misdemeanor if an authorized agent or employee of the
20 person violates this subchapter on land belonging to the person.

21 (d) On a third or subsequent violation of Section 43.365 by
22 a person holding a permit issued under this subchapter, the
23 department shall:

24 (1) revoke all permits held by the person that are

1 issued:

2 (A) under this subchapter; or

3 (B) by the department and listed under Section

4 43.357(d);

5 (2) file a deed restriction that prohibits deer
6 breeding on the property owned by the person where the violation
7 occurred; and

8 (3) confiscate, in accordance with Section 43.368, any
9 deer held in captivity by the person.

10 (e) A deed restriction filed under Subsection (d) expires on
11 the fifth anniversary of the date the deed restriction was filed and
12 must include a statement to that effect. The deed restriction shall
13 be filed in the office where real property records are kept for the
14 county in which the property is located.

15 SECTION 3. Subchapter L, Chapter 43, Parks and Wildlife
16 Code, is amended by adding Section 43.368 to read as follows:

17 Sec. 43.368. DISPOSITION OF DEER HELD IN CAPTIVITY; RULES.

18 (a) The commission shall adopt rules for the euthanasia of a deer
19 that:

20 (1) is being held in captivity by a person whose permit
21 under this subchapter is revoked; and

22 (2) does not have the identification required by
23 Section 43.3561.

24 (b) A deer shall be considered confiscated game for
25 disposition under Section 12.110 if the deer:

26 (1) is being held in captivity by a person whose permit
27 under this subchapter is revoked; and

1 (2) has the identification required by Section
2 43.3561.

3 SECTION 4. The changes in the law made by this Act apply
4 only to an offense committed on or after the effective date of this
5 Act. For the purpose of this section, an offense is committed
6 before the effective date of this Act if any element of the offense
7 occurs before that date. An offense committed before the effective
8 date of this Act is covered by the law in effect when the offense was
9 committed, and the former law is continued in effect for that
10 purpose.

11 SECTION 5. This Act takes effect September 1, 2011.