

BILL ANALYSIS

C.S.H.B. 801
By: Muñoz, Jr.
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It was recently reported that students at a Texas middle school were seriously injured by stray bullets that crossed onto school property as a result of an individual engaging in target practice on a ranch near the school. Interested parties assert that school students, faculty, and parents should not have to worry about being exposed to this kind of danger while on school premises. C.S.H.B. 801 seeks to provide for hunter awareness of the proximity of a school in hunter education programs and certain other materials related to hunting and to require the placement of awareness signs along certain highways and roadways.

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. 801 amends the Parks and Wildlife Code to require the Texas Department of Transportation, at the request of a school district, to place signs in appropriate places along state or federal highways to alert hunters to the proximity of a school and to act jointly with municipalities and counties, as appropriate, to place signs along roadways maintained and operated by a municipality or county to alert hunters to the proximity of a school. The bill requires a school district that requests such a sign to pay the costs of the production and placement of the sign.

C.S.H.B. 801 requires the hunter education program administered by the Parks and Wildlife Department (TPWD) to include instruction on a hunter's personal responsibility as it applies to the discharge of a firearm. The bill requires TPWD to include in the hunter education program, in any written or Internet-based information produced by TPWD for the public that relates to hunting, and in any curricular materials that relate to hunting, information on awareness of school property and other surroundings and the danger of discharging a firearm across the property line of a school and information on personal responsibility as it applies to the discharge of a firearm.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 801 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

83R 20462

13.94.474

Substitute Document Number: 83R 19455

SECTION 1. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0122 to read as follows:

Sec. 62.0122. DISCHARGE OF FIREARM ACROSS PROPERTY LINE OF SCHOOL. (a) In this section:

(1) "Firearm" has the meaning assigned by Section 62.014(a).

(2) "School" means a private or public elementary or secondary school.

(b) A person commits an offense with a firearm if:

(1) the person, while hunting or engaging in recreational shooting, knowingly discharges the firearm; and

(2) the projectile from the firearm travels across the property line of a school.

(c) If conduct constituting an offense under this section constitutes an offense under a section of the Penal Code, the person may be prosecuted under either section or both sections.

(d) The department shall place signs in appropriate places to alert hunters to the proximity of a school and the penalty for a violation of this section.

SECTION 2. Section 62.013, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections (b), ~~[and] (c), and (d) [of this section]~~, a person who violates a provision of this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(d) A person who violates Section 62.0122 commits an offense that is a Class A Parks and Wildlife Code misdemeanor, unless it is shown at the trial of the defendant for a violation of that section that the commission of the offense resulted in bodily injury to or the death of any person, in which case the offense is a Parks and Wildlife Code state jail felony.

SECTION 1. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0122 to read as follows:

Sec. 62.0122. HUNTER AWARENESS OF NEARBY SCHOOL.

(a) In this section, "school" means a private or public elementary or secondary school.

(b) At the request of a school district, the Texas Department of Transportation shall:

(1) place signs in appropriate places along state or federal highways to alert hunters to the proximity of a school; and

(2) act jointly with municipalities and counties, as appropriate, to place signs along roadways maintained and operated by a municipality or county to alert hunters to the proximity of a school.

(c) A school district that requests a sign under Subsection (b) must pay the costs of the production and placement of the sign.

No equivalent provision.

SECTION 3. Section 62.014, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The department may establish and administer a statewide hunter education program. The program must include but is not limited to instruction concerning:

(1) the safe handling and use of firearms, archery equipment, and crossbows;

(2) wildlife conservation and management;

(3) hunting laws and applicable rules and regulations; and

(4) hunting safety and ethics, including landowners' rights and a hunter's personal responsibility as it applies to the discharge of a firearm.

(b-1) The department shall include, in a hunter education program established under this section, in any written or Internet-based information produced by the department for the public that relates to hunting, and in any curricular materials that relate to hunting, information on:

(1) the prohibition against and the penalty for discharging a projectile from a firearm across the property line of a school;

(2) awareness of school property and other surroundings; and

(3) personal responsibility as it applies to the discharge of a firearm.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2013.

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(b-1) The department shall include, in a hunter education program established under this section, in any written or Internet-based information produced by the department for the public that relates to hunting, and in any curricular materials that relate to hunting, information on:

(1) awareness of school property and other surroundings and the danger of discharging a firearm across the property line of a school; and

(2) personal responsibility as it applies to the discharge of a firearm.

No equivalent provision.

SECTION 3. Same as introduced version.