

BILL ANALYSIS

C.S.H.B. 1179
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been numerous reports that private landowners who provide for the activity of a hunt on their lands are falling victim to participants who hunt, catch, or possess wildlife resources without the landowner's consent outside the parameters established for the activity. Interested parties note that illegally reducing the availability of animals for these business enterprises significantly impacts these landowners' ability to provide for future hunting activity and related ecotourism, which are critical to the economy of certain parts of the state. Moreover, the parties have expressed concern that these landowners have no method of collecting restitution for these losses. C.S.H.B. 1179 seeks to address this issue by granting the courts authority to order the payment of restitution by a defendant on conviction of certain offenses related to the theft of the hunt without the consent of an affected landowner.

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. 1179 amends the Parks and Wildlife Code to require a court to order a defendant convicted of an offense of hunting, catching, or possessing a wildlife resource without the consent of the owner of the land, submerged land, or water to make restitution to the owner. The bill prohibits such restitution from including a payment for the value of wildlife or wildlife remains.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1179 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

SECTION 1. Section 61.022, Parks and Wildlife Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A court shall order a defendant convicted of an offense under this section to make restitution to the owner of the land,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 61.022, Parks and Wildlife Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A court shall order a defendant convicted of an offense under this section to make restitution to the owner of the land,

submerged land, or water.

submerged land, or water. Restitution under this section may not include a payment for the value of wildlife or wildlife remains.

SECTION 2. The changes in law made by this Act apply 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 when 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 was committed before that date.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.