

BILL ANALYSIS

S.B. 599
By: Perry
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised by game wardens and criminal courts regarding the current process for the disposition of abandoned fishing devices. Because of the criminal component regarding abandoned fishing gear, once a game warden finds an abandoned fishing device the warden is required to bring it to a court for processing where it is left for a certain period of time while the owner is attempted to be identified. This tedious process has led to a significant backlog for the courts.

S.B. 599 seeks to make it easier for game wardens to dispose of abandoned fishing devices by establishing that an abandoned fishing device is litter for applicable purposes of the Texas Litter Abatement Act and is subject to immediate removal and disposal.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 599 amends the Parks and Wildlife Code to establish that an abandoned fishing device is litter for applicable purposes of the Texas Litter Abatement Act and is subject to immediate removal and disposal. The bill requires, except as otherwise provided, an abandoned fishing device to be disposed of in compliance with the Health and Safety Code and defines "abandoned fishing device" as an unattended fishing device located in the public water of Texas that is placed in violation of a provision of the Parks and Wildlife Code or Parks and Wildlife Commission rule.

S.B. 599 authorizes the commission to adopt rules to govern the removal and disposal of abandoned fishing devices as necessary to enhance the following:

- enforcement of applicable bill provisions;
- the cleanliness of the beds and bottoms of the public water of the state;
- boating safety; and
- the conservation and management of aquatic resources.

S.B. 599 grants a game warden or other peace officer immunity from liability and from suit for the removal or disposal of an abandoned fishing device. On request of an authorized representative of a unit of The University of Texas System, The Texas A&M University System, or the Texas State University System engaged in teaching and research related to marine science

and oceanography, the Parks and Wildlife Department may transfer an abandoned fishing device removed under the bill's provisions to the unit for use in the unit's teaching or research programs.

S.B. 599 expands the unlawful fishing devices for which a game warden or other peace officer is immune from liability and from suit for an applicable seizure or destruction from only a net to a seine, trawl, trap, or other device.

S.B. 599 repeals Section 12.1105(c), Parks and Wildlife Code, relating to notice, hearing, and destruction regarding a seized seine, net, trawl, trap, or other device for which no person is charged with an offense in connection with the seized device and no person is found in possession of the device.

EFFECTIVE DATE

September 1, 2021.