

By: Perry

S.B. No. 599

A BILL TO BE ENTITLED

AN ACT

relating to the removal and disposal of abandoned fishing devices and the seizure and disposition of unlawful fishing devices.

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

SECTION 1. Subchapter B, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.1104 to read as follows:

Sec. 12.1104. REMOVAL AND DISPOSAL OF ABANDONED FISHING DEVICE. (a) In this section, "abandoned fishing device" means an unattended fishing device located in the public water of this state that is placed in violation of a provision of this code or commission rule.

(b) An abandoned fishing device is litter for purposes of Section 365.011, Health and Safety Code, and is subject to immediate removal and disposal. Except as provided by Subsection (e), an abandoned fishing device must be disposed of in compliance with the Health and Safety Code.

(c) The commission may adopt rules to govern the removal and disposal of abandoned fishing devices as necessary to enhance:

(1) enforcement of this section;

(2) the cleanliness of the beds and bottoms of the public water of this state;

(3) boating safety; and

(4) the conservation and management of aquatic resources.

1       (d) A game warden or other peace officer is immune from  
2 liability and from suit for the removal or disposal of an abandoned  
3 fishing device under this section.

4       (e) On request of an authorized representative of a unit of  
5 The University of Texas System, The Texas A&M University System, or  
6 the Texas State University System engaged in teaching and research  
7 related to marine science and oceanography, the department may  
8 transfer an abandoned fishing device removed under this section to  
9 the unit for use in the unit's teaching or research programs.

10       SECTION 2. Section 12.1105(d), Parks and Wildlife Code, is  
11 amended to read as follows:

12       (d) A game warden or other peace officer who seizes items  
13 under this section is immune from liability and from suit for a  
14 seizure or destruction of a seine, net, trawl, trap, or other device  
15 as authorized by Subsection (b) [~~this section~~].

16       SECTION 3. Section 66.102, Parks and Wildlife Code, is  
17 amended to read as follows:

18       Sec. 66.102. PLACING PROHIBITED DEVICES IN PUBLIC WATER. A  
19 device designed to catch fish or other aquatic wildlife resources  
20 that is placed in the public fresh water of this state in violation  
21 of a law or commission proclamation is a nuisance, and a game warden  
22 or other peace officer shall confiscate and dispose of the device as  
23 provided by Section 12.1104 or 12.1105, as applicable [~~of this~~  
24 ~~code]~~. A game warden or other peace officer is immune from  
25 liability for the destruction of devices found in violation of this  
26 section.

27       SECTION 4. Section 12.1105(c), Parks and Wildlife Code, is

1 repealed.

2 SECTION 5. This Act takes effect September 1, 2021.