

BILL ANALYSIS

C.S.H.B. 3482
By: Turner
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Following the escape of a West African Banded Cobra, a highly venomous snake, in a residential neighborhood in the City of Grand Prairie, it was discovered that the owner had a valid permit for the snake from the Parks and Wildlife Department. However, the city had an ordinance prohibiting the keeping of any wild animals within the incorporated city limits. C.S.H.B. 3482 seeks to ensure that an indigenous snake permit or a certificate of registration for a dangerous wild animal will not be issued if possession of the snake or animal would violate a county order or municipal ordinance and that the applicable county or municipality is notified when such a certificate or permit is issued.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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 4 of this bill.

ANALYSIS

C.S.H.B. 3482 amends the Health and Safety Code to prohibit an animal registration agency from issuing a certificate of registration for a dangerous wild animal if possession of the animal violates a county order or municipal ordinance in the county or municipality in which the animal is to be kept. The bill requires the animal registration agency, on issuance of a certificate of registration for a dangerous wild animal, to notify in writing the county or municipality in which the animal is to be kept. The bill includes an agent or officer of the county or municipality in which a dangerous wild animal is kept among the persons that an owner of such an animal must allow to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal. The bill increases the penalty for the offense involving the following conduct from a Class C misdemeanor to a Class B misdemeanor:

- owning, harboring, or having custody or control of a dangerous wild animal without a certificate of registration or failing to properly display and file the certificate;
- knowingly selling or otherwise transferring ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal; or
- failing to timely report an attack or escape by a dangerous wild animal.

The bill enhances the penalty for a subsequent conviction of the offense to a Class A misdemeanor.

C.S.H.B. 3482 amends the Parks and Wildlife Code to prohibit the Parks and Wildlife Commission from issuing a permit for a nonindigenous snake if possession of the snake violates a county order or municipal ordinance in the county or municipality in which the snake is to be kept. The bill requires the commission to adopt rules not later than December 1, 2023, that require a county or municipality to notify the commission of the adoption, amendment, or repeal of an order or ordinance affecting a person's ability to possess a nonindigenous snake in the county or municipality. The bill requires each county or municipality, not later than January 1, 2024, to notify the commission of any order or ordinance affecting a person's ability to possess a nonindigenous snake in effect in that county or municipality, regardless of whether the order or ordinance was adopted before, on, or after the bill's effective date.

C.S.H.B. 3482 requires the commission, on issuing a nonindigenous snake permit, to notify in writing the county or municipality in which the snake is to be kept. The bill includes an agent or officer of the county or municipality in which the snake is kept among those authorized to inspect at any time and without a warrant a nonindigenous snake permit or any related records.

With respect to the criminal penalties for a violation of a statute or rule associated with the possession, transportation, or release of a nonindigenous snake, C.S.H.B. 3482 does the following:

- enhances the penalty for a subsequent conviction of such a violation from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor; and
- increases the existing enhanced penalty for a subsequent conviction if the defendant has engaged in a commercial activity without holding the required permit from a Class B Parks and Wildlife misdemeanor to a Class A Parks and Wildlife misdemeanor.

C.S.H.B. 3482 provides for the prospective applicability of its provisions as follows:

- the bill provisions regarding certificates of registration for dangerous wild animals apply only to a certificate issued or renewed on or after the bill's effective date;
- the bill provisions regarding issuance of a nonindigenous snake permit apply only to a permit issued on or after the bill's effective date;
- the bill provisions regarding inspections apply to an inspection conducted on or after the bill's effective date; and
- the bill provisions regarding offense penalties apply only to an offense committed on or after the bill's effective date.

The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3482 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits a provision that was present in the introduced prohibiting the commission from issuing a permit for a nonindigenous snake if the snake is venomous and the necessary antivenom is not readily available at a hospital within 50 miles of the location where the snake is to be kept.

The substitute includes provisions absent from the introduced that do the following:

- require the commission to adopt rules not later than December 1, 2023, that require a county or municipality to notify the commission of the adoption, amendment, or repeal

of an order or ordinance affecting a person's ability to possess a nonindigenous snake in the county or municipality; and

- require each county or municipality, not later than January 1, 2024, to notify the commission of any order or ordinance affecting a person's ability to possess a nonindigenous snake in effect in that county or municipality, regardless of whether the order or ordinance was adopted before, on, or after the bill's effective date.

The introduced increased the penalty for violating a statute or rule associated with the possession, transportation, or release of a nonindigenous snake from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor, whereas the substitute does not increase the penalty for such a violation. The substitute includes instead a provision that was not in the introduced enhancing the penalty for a subsequent conviction of such a violation to a Class B Parks and Wildlife Code misdemeanor, which is in addition to the existing enhanced penalty for a subsequent conviction if the defendant has engaged in a commercial activity without holding the required permit.