

BILL ANALYSIS

C.S.S.B. 1236
By: Flores
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Most rivers and streams are public land, and the public is permitted to walk and hunt in these waters. However, many rivers and streams are completely surrounded by private property, so when people hunt in these public rivers, they inevitably trespass on private property if they exit the riverbed. In certain counties, state law prohibits the discharge of a firearm or archery equipment if an individual is in a bank or bed of a river or stream or if the discharge from the firearm or archery equipment would end up in the bed or bank of a river or stream, with a few exceptions. C.S.S.B. 1236 seeks to deter trespassing on private property under the guise of hunting and to preserve the rights of property owners by extending this prohibition to all counties in Texas.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1236 amends the Parks and Wildlife Code to extend to all counties the prohibition against a person discharging a firearm or shooting an arrow from a bow if the person is located in or on the bed or bank of a navigable river or stream at the time the firearm is discharged or the arrow is shot or if any portion of the ammunition discharged or arrow shot could physically contact the bed or bank of a navigable river or stream, which currently only applies to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala County. The bill includes among the exceptions to this prohibition the discharge of a firearm from the bank of a navigable river or stream to take a venomous snake or nonindigenous rodent by an owner of the land adjacent to or through which the navigable river or stream runs or an agent of such an owner.

C.S.S.B. 1236 transfers the prohibition and related provisions from a title of the Parks and Wildlife Code relating to local and special laws, a violation of which is a Class C Parks and Wildlife Code misdemeanor, to a title setting out general provisions. Accordingly, the bill includes language specifying that a violation of the prohibition is a Class C Parks and Wildlife Code misdemeanor. The bill establishes that if conduct that constitutes an offense under the provisions amended by the bill also constitutes an offense under applicable local and special laws, the actor may be prosecuted for the offense under the bill provisions or the other law, but not both.

C.S.S.B. 1236 repeals the heading to Chapter 284, Parks and Wildlife Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1236 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision not in the engrossed that excepts from the prohibition the discharge of a firearm from the bank of a navigable river or stream to take a venomous snake or nonindigenous rodent by an owner of the land adjacent to or through which the navigable river or stream runs or an agent of such an owner.