88R21520 MPF-F

By:  Turner H.B. No. 3482

Substitute the following for H.B. No. 3482:

By:  Ashby C.S.H.B. No. 3482

A BILL TO BE ENTITLED

AN ACT

relating to the possession of dangerous wild animals and live nonindigenous snakes in certain counties and municipalities; increasing criminal penalties.

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

SECTION 1.  Section 822.103, Health and Safety Code, is amended by adding Subsections (b-1) and (d) to read as follows:

(b-1)  An animal registration agency may not issue a certificate of registration for an animal under this subchapter 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.

(d)  On issuance of a certificate of registration for an animal under this subchapter, the animal registration agency shall notify, in writing, the county or municipality in which the animal is to be kept.

SECTION 2.  Section 822.108, Health and Safety Code, is amended to read as follows:

Sec. 822.108.  INSPECTION. An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, [~~or~~] a designated licensed veterinarian, or an agent or officer of the county or municipality in which the animal is kept 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 to ensure compliance with this subchapter.

SECTION 3.  Section 822.113, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  Except as provided by Subsection (d), an [~~An~~] offense under this section is a Class B [~~C~~] misdemeanor.

(d)  An offense under this section is a Class A misdemeanor if it is shown on trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 4.  Section 43.851, Parks and Wildlife Code, is amended by adding Subsections (b-1), (b-2), and (f) to read as follows:

(b-1)  The commission may not issue a permit for a nonindigenous snake under this subchapter 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.

(b-2)  The commission by rule shall 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.

(f)  On issuing a permit under this subchapter, the commission shall notify, in writing, the county or municipality in which the snake is to be kept.

SECTION 5.  Section 43.852, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.852.  INSPECTION OF PERMIT AND RECORDS. An authorized department employee, or an agent or officer of the county or municipality in which the snake is kept, may inspect at any time and without a warrant a permit or any records required by this subchapter.

SECTION 6.  Section 43.856, Parks and Wildlife Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by this section [~~Subsection (b) or (c)~~], a person who violates this subchapter or a rule adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(a-1)  If it is shown at the trial of the defendant for a violation of this subchapter or a rule adopted under this subchapter that the defendant has previously been convicted of a violation of this subchapter or a rule adopted under this subchapter, on conviction the defendant shall be punished for a Class B Parks and Wildlife Code misdemeanor.

(c)  If it is shown at the trial of the defendant for a violation of this subchapter or a rule adopted under this subchapter that the defendant has engaged in a commercial activity without holding a required permit and the defendant has been previously convicted of a violation of this subchapter or a rule adopted under this subchapter, on conviction the defendant shall be punished for a Class A [~~B~~] Parks and Wildlife Code misdemeanor.

SECTION 7.  (a) Not later than December 1, 2023, the Parks and Wildlife Commission shall adopt the rules required by Section 43.851(b-2), Parks and Wildlife Code, as added by this Act.

(b)  Not later than January 1, 2024, each county or municipality shall 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 effective date of this Act.

SECTION 8.  (a) Section 822.103, Health and Safety Code, as amended by this Act, applies only to a certificate of registration issued or renewed on or after the effective date of this Act.

(b)  Sections 43.851(b-1) and (f), Parks and Wildlife Code, as added by this Act, apply only to a permit issued on or after the effective date of this Act.

SECTION 9.  Section 822.108, Health and Safety Code, as amended by this Act, and Section 43.852, Parks and Wildlife Code, as amended by this Act, apply to an inspection conducted on or after the effective date of this Act.

SECTION 10.  Section 822.113, Health and Safety Code, as amended by this Act, and Section 43.856, Parks and Wildlife Code, as amended 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 governed by the law in effect on the date 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 11.  This Act takes effect September 1, 2023.