

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

1  
2 relating to the possession of dangerous wild animals and live  
3 nonindigenous snakes in certain counties and municipalities;  
4 increasing criminal penalties.

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

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

8 (b-1) An animal registration agency may not issue a  
9 certificate of registration for an animal under this subchapter if  
10 possession of the animal violates a county order or municipal  
11 ordinance in the county or municipality in which the animal is to be  
12 kept.

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

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

19 Sec. 822.108. INSPECTION. An owner of a dangerous wild  
20 animal, at all reasonable times, shall allow the animal  
21 registration agency, its staff, its agents, ~~or~~ a designated  
22 licensed veterinarian, or an agent or officer of the county or  
23 municipality in which the animal is kept to enter the premises where  
24 the animal is kept and to inspect the animal, the primary enclosure

1 for the animal, and the owner's records relating to the animal to  
2 ensure compliance with this subchapter.

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

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

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

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

14 (b-1) The commission may not issue a permit for a  
15 nonindigenous snake under this subchapter if possession of the  
16 snake violates a county order or municipal ordinance in the county  
17 or municipality in which the snake is to be kept.

18 (b-2) The commission by rule shall require a county or  
19 municipality to notify the commission of the adoption, amendment,  
20 or repeal of an order or ordinance affecting a person's ability to  
21 possess a nonindigenous snake in the county or municipality.

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

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

27 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An

1 authorized department employee, or an agent or officer of the  
2 county or municipality in which the snake is kept, may inspect at  
3 any time and without a warrant a permit or any records required by  
4 this subchapter.

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

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

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

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

25 SECTION 7. (a) Not later than December 1, 2023, the Parks  
26 and Wildlife Commission shall adopt the rules required by Section  
27 43.851(b-2), Parks and Wildlife Code, as added by this Act.

1 (b) Not later than January 1, 2024, each county or  
2 municipality shall notify the commission of any order or ordinance  
3 affecting a person's ability to possess a nonindigenous snake in  
4 effect in that county or municipality, regardless of whether the  
5 order or ordinance was adopted before, on, or after the effective  
6 date of this Act.

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

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

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

17 SECTION 10. Section 822.113, Health and Safety Code, as  
18 amended by this Act, and Section 43.856, Parks and Wildlife Code, as  
19 amended by this Act, apply only to an offense committed on or after  
20 the effective date of this Act. An offense committed before the  
21 effective date of this Act is governed by the law in effect on the  
22 date the offense was committed, and the former law is continued in  
23 effect for that purpose. For purposes of this section, an offense  
24 was committed before the effective date of this Act if any element  
25 of the offense was committed before that date.

26 SECTION 11. This Act takes effect September 1, 2023.