

By: Turner

H.B. No. 3482

A BILL TO BE ENTITLED

1 AN ACT
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) and (f) to read as follows:

13 (b-1) The commission may not issue a permit for a
14 nonindigenous snake under this subchapter if:

15 (1) possession of the snake violates a county order or
16 municipal ordinance in the county or municipality in which the
17 snake is to be kept; or

18 (2) the snake is venomous and the necessary antivenom
19 is not readily available at a hospital within 50 miles of the
20 location where the snake is to be kept.

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

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

26 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An
27 authorized department employee, or an agent or officer of the

1 county or municipality in which the snake is kept, may inspect at
2 any time and without a warrant a permit or any records required by
3 this subchapter.

4 SECTION 6. Sections 43.856(a) and (c), Parks and Wildlife
5 Code, are amended to read as follows:

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

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

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

20 (b) Section 43.851, Parks and Wildlife Code, as amended by
21 this Act, applies only to a permit issued on or after the effective
22 date of this Act.

23 SECTION 8. Section 822.108, Health and Safety Code, as
24 amended by this Act, and Section 43.852, Parks and Wildlife Code, as
25 amended by this Act, apply to an inspection conducted on or after
26 the effective date of this Act.

27 SECTION 9. Section 822.113, Health and Safety Code, as

1 amended by this Act, and Section 43.856, Parks and Wildlife Code, as
2 amended by this Act, apply only to an offense committed on or after
3 the effective date of this Act. An offense committed before the
4 effective date of this Act is governed by the law in effect on the
5 date the offense was committed, and the former law is continued in
6 effect for that purpose. For purposes of this section, an offense
7 was committed before the effective date of this Act if any element
8 of the offense was committed before that date.

9 SECTION 10. This Act takes effect September 1, 2023.