

BILL ANALYSIS

Senate Research Center
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H.B. 654
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Water, Agriculture and Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, a constituent was charged for unknowingly hunting a deer whose antlers were one inch higher than the acceptable spread measurement. Since hunters are unable to measure a deer's antlers beforehand, the occasional and accidental hunting of deer with antlers exceeding the maximum-allowed spread occurs. Although the bill author's constituent self-reported upon realizing the mistake, current law still required the state to begin the process of issuing a citation and fines.

H.B. 654 aims to rectify this problem by establishing the Asp-Morgan Act that contains a process for the dismissal of criminal charges against a defendant who unintentionally hunted deer with antlers exceeding the maximum spread measurement if the defendant self-reports the violation and completes a hunter education course, among satisfying other conditions.

H.B. 654 amends current law relating to the dismissal of a criminal charge related to the illegal hunting of certain deer and authorizes fees.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Asp-Morgan Act.

SECTION 2. Amends Subchapter F, Chapter 61, Parks and Wildlife Code, by adding Section 61.902, as follows:

Sec. 61.902. DISMISSAL OF CERTAIN CHARGES RELATED TO PROHIBITED HUNTING ON COMPLETION OF HUNTER EDUCATION COURSE. (a) Defines "hunter education course."

(b) Provides that this section applies only to an alleged offense for the violation of a provision of the Parks and Wildlife Code, or a proclamation or regulation of the Texas Parks and Wildlife Commission (TPWC) issued under the authority of this code, that prohibits the hunting of certain mule deer or white-tailed deer based on the inside or outside spread measurement of the deer's antlers, where the violation is based on a difference of one inch or less from the spread measurement prescribed by the provision.

(c) Authorizes a court having proper jurisdiction of an offense to which this section applies, without entering an adjudication of guilt, to defer proceedings against a defendant for a period not to exceed 180 days if the defendant performs certain actions.

(d) Requires the court to dismiss a defendant's charge that the court deferred under Subsection (c) if the defendant presents satisfactory evidence that the defendant has successfully completed the hunter education course before the last

day of the deferral period and, during the deferral period, has not violated a provision of this code or a proclamation or regulation of TPWC issued under the authority of this code.

(e) Requires the court to enter an adjudication of guilt and impose the penalty for the offense if the defendant fails to satisfy the conditions for dismissal of the charge described by Subsection (d).

(f) Prohibits a charge dismissed under this section, notwithstanding any other law, from being considered a conviction for the purposes of any disqualifications or disabilities imposed by this code or other law for conviction of an offense or used as grounds for denying issuance of a professional or occupational license or certificate to, or suspending or revoking the professional or occupational license or certificate of, the defendant otherwise entitled to or qualified for the license or certificate.

(g) Authorizes a court to transfer a case in which proceedings have been deferred under this section to a different court if that court consents to the transfer and has jurisdiction over the case.

(h) Authorizes the court, in addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, to require a defendant who requests a hunter education course to pay a reimbursement fee in an amount not to exceed \$10 to cover the costs of administering this section. Requires that money collected by the court be deposited in the county treasury of the county in which the court is located.

(i) Authorizes the court, in addition to the reimbursement fee authorized by Subsection (h), to require a defendant who requests a hunter education course to pay a \$10 reimbursement fee to cover the course provider's cost for performing duties under this section. Requires the court to pay the fee to the course provider, and requires the course provider to account to the court for the receipt and disbursement of the fee.

(j) Provides that a defendant who pays a fee under Subsection (h) or (i) is not entitled to a refund of the fee, regardless of whether the defendant successfully completes the hunter education course.

(k) Prohibits a court from requiring an indigent defendant for whom proceedings are deferred under this section to pay a reimbursement fee described by this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.