

## **BILL ANALYSIS**

C.S.H.B. 654  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author informed the committee of a constituent who was charged for unknowingly hunting a deer whose antlers were one inch higher than the acceptable spread measurement and that, 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. C.S.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.

### **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.H.B. 654 amends the Parks and Wildlife Code to authorize a court having proper jurisdiction of an alleged offense for the violation of a Parks and Wildlife Code provision, or a proclamation or regulation of the Parks and Wildlife Commission issued under the authority of that 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, to defer proceedings against a defendant without entering an adjudication of guilt for a period not to exceed 180 days if the defendant satisfies the following conditions:

- reported the defendant's commission of the offense to a game warden before the defendant left the location where the conduct occurred and was subsequently charged with the offense;
- did not retain possession of the deer carcass or otherwise disposed of the carcass in the manner prescribed by the Parks and Wildlife Department (TPWD);
- has not previously:
  - been convicted of an offense to which the bill applies; or
  - had a charge dismissed under the bill's provisions;
- pleads nolo contendere or guilty to the offense in open court; and
- presents to the court an oral or written request to attend a hunter education course established under the hunter education program.

The bill authorizes a court to transfer a case in which proceedings have been deferred to a different court if that court consents to the transfer and has jurisdiction over the case.

C.S.H.B. 654 requires the court to dismiss a defendant's court-deferred charge 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 Parks and Wildlife Code provision or a proclamation or regulation of the commission issued under the authority of that code. The bill 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 the charge's dismissal. The bill prohibits such a dismissed charge from:

- being considered a conviction for the purposes of any disqualifications or disabilities imposed by the Parks and Wildlife Code or other law for conviction of an offense; or
- being 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.

C.S.H.B. 654 authorizes a court to require a defendant who requests a hunter education course to pay, in addition to court costs and fees authorized or imposed by state law and applicable to the offense, a reimbursement fee in an amount not to exceed \$10 to cover the costs of administering the bill's provisions. The bill requires money collected by the court to be deposited in the county treasury of the county in which the court is located. The bill authorizes the court to require a defendant who requests a hunter education course to pay, in addition to the administration reimbursement fee, a \$10 reimbursement fee to cover the course provider's cost for performing duties under the bill's provisions. The bill requires the court to pay the hunter education course reimbursement fee to the course provider, and requires the course provider to account to the court for the receipt and disbursement of the fee. The bill establishes that a defendant who pays either such reimbursement fee is not entitled to a refund of the fee, regardless of whether the defendant successfully completes the hunter education course. The bill prohibits a court from requiring an indigent defendant for whom proceedings are deferred to pay such reimbursement fees.

C.S.H.B. 654 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date 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 these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 654 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced establishing that the bill may be cited as the Asp-Morgan Act.

Both the introduced and substitute make the bill's provisions applicable to an alleged offense for the violation of a Parks and Wildlife Code provision, or a proclamation or regulation of the Parks and Wildlife Commission issued under the authority of that code, that prohibits the hunting of certain deer based on the inside or outside spread measurement of the deer's antlers. However, the substitute specifies that the violation is based on a difference of one inch or less

from the spread measurement prescribed by the applicable provision, whereas the introduced did not.

With respect to the authorization present in both the introduced and substitute for a court having proper jurisdiction of an offense to which the bill applies to defer proceedings against a defendant for a period not to exceed 180 days without entering an adjudication of guilt if the defendant meets certain conditions, the substitute includes the following conditions absent from the introduced:

- the defendant did not retain possession of the deer carcass or otherwise disposed of the carcass in the manner prescribed by TPWD; and
- the defendant has not previously had a charge dismissed under the bill's provisions.

The substitute replaces the condition present in the introduced that the defendant reported the defendant's commission of the offense to TPWD and was subsequently charged with the offense with a condition that the defendant reported the defendant's commission of the offense to a game warden before the defendant left the location where the conduct occurred and was subsequently charged with the offense.