

BILL ANALYSIS

H.B. 4867
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Parks and Wildlife Department (TPWD) currently issues aerial wildlife management (AWM) permits to landowners for the purpose of counting, relocating, capturing, hunting, or taking wildlife or exotic animals by use of aircraft, including unmanned aircraft systems or drones. The bill author has informed the committee that the advancement of technology has led to an increase in the number of AWM permit applications, as TPWD currently has 251 active AWM permits, 102 of which are specifically for drones. The bill author has further informed the committee that routine violations of state law, such as counting, photographing, or relocating wildlife without an AWM permit or using a drone for the purpose of locating feral hogs without a permit, do not rise to the level of an arrestable offense, and that this has left TPWD game wardens without an effective tool to manage such violations. H.B. 4867 seeks to address this issue by decreasing the penalty for routine violations from a Class A misdemeanor to a Class C fine-only misdemeanor, removing the requirement to have an AWM permit for photography, while maintaining the Class A misdemeanor penalty initially contemplated for hunting or taking animals in violation of state law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

H.B. 4867 amends the Parks and Wildlife Code to do the following with respect to the terms that are defined for purposes of provisions relating to permits to manage wildlife and exotic animals from aircraft:

- revises the definition of "aircraft" to specify that the term includes an unmanned aircraft;
- revises the definition of "depredating animals" to specify that the term does not include mountain lions;
- defines "hunt by use of aircraft" as doing the following:
 - shooting or killing or attempting to shoot or kill wildlife or an exotic animal from an airborne aircraft; or
 - taking or attempting to take wildlife or an exotic animal while on the ground with the aid of an aircraft;
- defines "hunt for sport" as hunting for a purpose other than to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, crops, or human life; and

- replaces the term "management by the use of aircraft," defined as counting, photographing, relocating, capturing, or hunting by the use of aircraft, with the term "manage," defined as, with respect to an aircraft, counting, relocating, capturing, or hunting by the use of an aircraft.

H.B. 4867 revises the conduct constituting a Class A Parks and Wildlife Code offense applicable to the management of wildlife and exotic animals from aircraft as follows:

- changes the conduct applicable to hunting or killing, or attempting to hunt or kill, from an aircraft any animal or bird that is not specifically authorized by a permit issued under the applicable provisions governing the management of wildlife and exotic animals from aircraft to specify that the person commits the offense if that person hunts by use of aircraft any animal or bird that is not specifically authorized by such a permit;
- with respect to the conduct of using an aircraft to manage wildlife or exotic animals without first obtaining and having in the person's immediate possession a permit and a landowner's authorization for the management of wildlife or exotic animals by the use of aircraft, removes the specification of having the permit in the person's immediate possession;
- includes the conduct of using an aircraft to manage wildlife or exotic animals without having in the person's immediate possession the following:
 - a permit; and
 - a landowner's authorization for the management of wildlife or exotic animals by the use of aircraft;
- includes the conduct of submitting to the Parks and Wildlife Department a landowner's authorization for the management of wildlife or exotic animals by the use of aircraft that contains inaccurate information; and
- includes the conduct of using an aircraft to hunt for sport.

The bill removes the activity of photographing wildlife or exotic animals under the authority of a permit to manage wildlife and exotic animals from aircraft from the defenses to prosecution for harassment of wildlife or exotic animals.

H.B. 4867 decreases from a Class A Parks and Wildlife Code misdemeanor to a Class C Parks and Wildlife Code misdemeanor the penalty for a person who violates any statutory provision relating to permits to manage wildlife and exotic animals from aircraft or a proclamation or regulation adopted under those provisions, except as otherwise provided. The bill removes the Class C Parks and Wildlife Code misdemeanor for a person who violates the reporting requirement for the holder of a permit to manage wildlife and exotic animals from aircraft and creates a Class A Parks and Wildlife Code misdemeanor for a person who takes wildlife or an exotic animal in violation of any statutory provision relating to such a permit or a proclamation or regulation adopted under those provisions.

H.B. 4867, with respect to the requirement for a defendant to be punished on conviction of a Parks and Wildlife Code felony if it is shown at the trial of the defendant for a violation of provisions relating to permits to manage wildlife and exotic animals from aircraft or a proclamation or regulation adopted under those provisions that the defendant has been convicted of a Class A Parks and Wildlife Code misdemeanor violation of those provisions, other than a violation of the reporting requirement for the holder of an applicable permit and within 10 years preceding the trial date, enhances the penalty for such a defendant to the following:

- if the previous conviction was punishable as a Class C Parks and Wildlife Code misdemeanor, a Class A Parks and Wildlife Code misdemeanor; or
- if the previous conviction was punishable as a Class A Parks and Wildlife Code misdemeanor or a Parks and Wildlife Code felony, a Parks and Wildlife Code felony.

H.B. 4867 repeals the authorization for a qualified landowner or landowner's agent, as determined by Parks and Wildlife Commission rule, to contract to participate as a hunter or observer in using a hot air balloon to take depredating feral hogs or coyotes under the authority of a permit to manage wildlife and exotic animals from aircraft.

H.B. 4867 applies only to an offense committed on or after the bill's effective date. An offense committed before that 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 was committed before that date.

H.B. 4867 repeals Section 43.1076, Parks and Wildlife Code.

EFFECTIVE DATE

September 1, 2025.