

BILL ANALYSIS

S.B. 1248
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While the digital tagging system implemented by the Parks and Wildlife Department (TPWD) provides substantial benefits, harvest location data collected from digital tagging as well as data from mandatory and voluntary reporting is currently subject to open records disclosure. The bill sponsor has informed the committee that this lack of privacy has the potential to affect the trust between TPWD and its regulated community and also creates a barrier to the collection of accurate harvest data, which is critical for wildlife population management. S.B. 1248 seeks to address this issue by providing for a narrow exception to state public information law and specifying the entities and instances in which TPWD may release relevant data.

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

S.B. 1248 amends the Parks and Wildlife Code, with respect to a report submitted to the Parks and Wildlife Department (TPWD) relating to the recreational harvest authorized under statutory provisions relating to hunting and fishing licenses of game animals, game birds, fur-bearing animals, nongame animals, alligators, or fish or other aquatic life, to prohibit information from such a report, including the specific location of harvested wildlife, from being disclosed except as authorized by the bill's provisions or statutory provisions relating to notice of a wildlife disease outbreak. Accordingly, the bill does the following:

- establishes that state public information law does not apply to information from such a report;
- authorizes the Parks and Wildlife Commission or TPWD to disclose information from such a report to a federal or state law enforcement agency if the agency provides a lawfully issued subpoena;
- authorizes TPWD to disclose statistical data and compilations of information from such a report in a manner that does not identify the following:
 - any person who submitted the report or harvested wildlife as described in the report; or
 - any specific location information, including a photograph, that could be used to identify the location where the harvest of wildlife described in the report occurred; and
- authorizes TPWD to disclose information from such a report only to the following entities:

- an individual identified in the report or that individual's representative;
- another governmental body, including a law enforcement entity, as needed to carry out a governmental purpose; or
- an entity contracted with TPWD that has signed a nondisclosure agreement prohibiting the entity from disclosing information from the report, if necessary for research, analysis, or another activity TPWD determines to be appropriate.

The bill expressly does not authorize TPWD to disclose information TPWD is prohibited from disclosing by other law. The bill establishes that TPWD and its officers and employees are immune from civil liability for an unintentional violation of the bill's provisions. The bill clarifies that a reference to TPWD in the bill's provisions includes a reference to an agent of TPWD.

S.B. 1248 applies to a disclosure by TPWD of information in an applicable report that is made on or after the bill's effective date, regardless of when the report containing the information was submitted to TPWD.

EFFECTIVE DATE

September 1, 2025.