

By: Leo Wilson, et al.

H.B. No. 654

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a criminal charge related to the illegal hunting of certain deer; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Asp-Morgan Act.

SECTION 2. Subchapter F, Chapter 61, Parks and Wildlife Code, is amended by adding Section 61.902 to read as follows:

Sec. 61.902. DISMISSAL OF CERTAIN CHARGES RELATED TO PROHIBITED HUNTING ON COMPLETION OF HUNTER EDUCATION COURSE. (a) In this section, "hunter education course" means a hunter education course established under Section 62.014.

(b) This section applies only to an alleged offense for the violation of a provision of this code, or a proclamation or regulation of the commission 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) A court having proper jurisdiction of an offense to which this section applies may, without entering an adjudication of guilt, defer proceedings against a defendant for a period not to exceed 180 days if the defendant:

(1) reported the defendant's commission of the offense

1 to a game warden before the defendant left the location where the  
2 conduct occurred and was subsequently charged with the offense;

3 (2) did not retain possession of the deer carcass or  
4 otherwise disposed of the carcass in the manner prescribed by the  
5 department;

6 (3) has not previously:

7 (A) been convicted of an offense to which this  
8 section applies; or

9 (B) had a charge dismissed under this section;

10 (4) pleads nolo contendere or guilty to the offense in  
11 open court; and

12 (5) presents to the court an oral or written request to  
13 attend a hunter education course.

14 (d) The court shall dismiss a defendant's charge that the  
15 court deferred under Subsection (c) if the defendant presents  
16 satisfactory evidence that the defendant:

17 (1) has successfully completed the hunter education  
18 course before the last day of the deferral period; and

19 (2) during the deferral period, has not violated a  
20 provision of this code or a proclamation or regulation of the  
21 commission issued under the authority of this code.

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

26 (f) Notwithstanding any other law, a charge dismissed under  
27 this section may not be:

1           (1) considered a conviction for the purposes of any  
2 disqualifications or disabilities imposed by this code or other law  
3 for conviction of an offense; or

4           (2) used as grounds for denying issuance of a  
5 professional or occupational license or certificate to, or  
6 suspending or revoking the professional or occupational license or  
7 certificate of, the defendant otherwise entitled to or qualified  
8 for the license or certificate.

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

12           (h) In addition to court costs and fees authorized or  
13 imposed by a law of this state and applicable to the offense, the  
14 court may require a defendant who requests a hunter education  
15 course to pay a reimbursement fee in an amount not to exceed \$10 to  
16 cover the costs of administering this section. Money collected by  
17 the court shall be deposited in the county treasury of the county in  
18 which the court is located.

19           (i) In addition to the reimbursement fee authorized by  
20 Subsection (h), the court may require a defendant who requests a  
21 hunter education course to pay a \$10 reimbursement fee to cover the  
22 course provider's cost for performing duties under this section.  
23 The court shall pay the fee to the course provider, and the course  
24 provider must account to the court for the receipt and disbursal of  
25 the fee.

26           (j) A defendant who pays a fee under Subsection (h) or (i) is  
27 not entitled to a refund of the fee, regardless of whether the

1 defendant successfully completes the hunter education course.

2 (k) A court may not require an indigent defendant for whom  
3 proceedings are deferred under this section to pay a reimbursement  
4 fee described by this section.

5 SECTION 3. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13 SECTION 4. This Act takes effect September 1, 2025.