

By: Vasut

H.B. No. 4867

A BILL TO BE ENTITLED

AN ACT

relating to the management of wildlife and exotic animals from aircraft; creating a criminal offense.

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

SECTION 1. Section 43.103, Parks and Wildlife Code, is amended by amending Subdivisions (1), (2), and (5) and adding Subdivisions (4-a) and (4-b) to read as follows:

(1) "Aircraft" means a mechanical or other device used for flight in the air. The term includes an unmanned aircraft.

(2) "Depredating animals" means bobcats, feral hogs, red foxes, coyotes, and crossbreeds between coyotes and dogs. The term [but] does not include mountain lions or birds or fowl.

(4-a) "Hunt by use of aircraft" means to:

(A) shoot or kill or to attempt to shoot or kill wildlife or an exotic animal from an airborne aircraft; or

(B) take or to attempt to take wildlife or an exotic animal while on the ground with the aid of an aircraft.

(4-b) "Hunt for sport" means to hunt 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.

(5) "Manage [Management by the use of aircraft]" means, with respect to an aircraft, to count, relocate, capture, or hunt [counting, photographing, relocating, capturing, or hunting]

1 by the use of an aircraft.

2 SECTION 2. Sections 43.1095(a) and (b), Parks and Wildlife
3 Code, are amended to read as follows:

4 (a) For purposes of this subchapter, a person commits an
5 offense if that person:

6 (1) hunts by use of ~~[or kills, or attempts to hunt or~~
7 ~~kill, from an]~~ aircraft any animal or bird that is not specifically
8 authorized by a permit issued under this subchapter;

9 (2) uses an aircraft to manage wildlife or exotic
10 animals without first obtaining:

11 (A) ~~[and having in the person's immediate~~
12 ~~possession]~~ a permit; and

13 (B) a landowner's authorization for the
14 management of wildlife or exotic animals by the use of aircraft;
15 ~~[or]~~

16 (3) uses an aircraft to manage wildlife or exotic
17 animals without having in the person's immediate possession:

18 (A) a permit; and

19 (B) a landowner's authorization for the
20 management of wildlife or exotic animals by the use of aircraft;

21 (4) submits to the department a landowner's
22 authorization for the management of wildlife or exotic animals by
23 the use of aircraft that contains inaccurate information;

24 (5) uses an aircraft to harass wildlife, exotic
25 animals, or any other animal or bird; or

26 (6) uses an aircraft to hunt for sport.

27 (b) It is a defense to prosecution for harassment of

1 wildlife or exotic animals under this section if the person is
2 engaged in the activity of counting, [~~photographing,~~] relocating,
3 capturing, or hunting wildlife or exotic animals under the
4 authority of a permit under this subchapter.

5 SECTION 3. Section 43.111, Parks and Wildlife Code, is
6 amended to read as follows:

7 Sec. 43.111. PENALTY. (a) Except as otherwise provided by
8 this section, a person who violates any provision of this
9 subchapter or a proclamation or regulation adopted under this
10 subchapter commits an offense that is a Class C [A] Parks and
11 Wildlife Code misdemeanor.

12 (b) A person who takes wildlife or an exotic animal in
13 violation of any provision of this subchapter or a proclamation or
14 regulation adopted under this subchapter [~~who violates Section~~
15 ~~43.107~~] commits an offense that is a Class A [~~C~~] Parks and Wildlife
16 Code misdemeanor.

17 (c) If it is shown at the trial of the defendant for a
18 violation of this subchapter or a proclamation or regulation
19 adopted under this subchapter that the defendant has been convicted
20 of an offense under this section for a [~~Class A Parks and Wildlife~~
21 ~~Code misdemeanor~~] violation of this subchapter, other than a
22 violation of Section 43.107, within 10 years preceding the trial
23 date, on conviction the defendant shall be punished for:

24 (1) a Class A Parks and Wildlife Code misdemeanor, if
25 the previous conviction was punishable as a Class C Parks and
26 Wildlife Code misdemeanor; or

27 (2) a Parks and Wildlife Code felony, [~~— This~~

1 ~~subsection does not apply]~~ if the previous conviction was
2 punishable as a Class A Parks and Wildlife Code misdemeanor or a
3 Parks and Wildlife Code felony ~~[for a violation of Section 43.107]~~.

4 SECTION 4. Section 43.1076, Parks and Wildlife Code, is
5 repealed.

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

14 SECTION 6. This Act takes effect September 1, 2025.