

**SUBJECT:** Prohibiting canned hunts, regulating possession of dangerous wild animals

**COMMITTEE:** State Recreational Resources — committee substitute recommended

**VOTE:** 6 ayes — Kuempel, Black, Hightower, Oakley, B. Turner, Woolley  
2 nays — Horn, Rabuck  
1 absent — Siebert

**WITNESSES:** For — None  
Against — Ellis Gilleland  
On — Charles Hensley, David Sinclair and John Herron, Texas Parks and Wildlife Department

**BACKGROUND:** Texas Parks and Wildlife Code Chapter 12G requires individuals to have a state permit to legally possess wild animals: lions, tigers, bears, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, lesser pandas, binturongs, wolves, apes, elephants and rhinoceroses. Also, Local Government Code sec. 240.0025 allows Harris County to prohibit or regulate the keeping of wild animals in unincorporated areas, except for persons licensed under the federal Animal Welfare Act, which relates to the exhibiting and testing for research purposes of certain animals.

**DIGEST:** CSHB 239 would prohibit killing or attempting to injure a dangerous wild animal that is in captivity or that was released for the purpose of being hunted. Promoting or advertising such kills also would be prohibited, as would sale or trade of animals for the purpose of controlled kills. Dangerous wild animal would mean lion, tiger, leopard, cheetah, hyena, bear, elephant, wolf or rhinoceros, and their hybrids and subspecies.

A peace officer could seize a live dangerous animal or hide, part of or product made from a wild animal if the officer had probable cause to believe that the animal or product was killed, wounded or injured in, or obtained as a result of, a controlled kill. The bill would define captivity, dangerous wild animal, hybrid, lion and sanctuary.

The legislation would not apply to a licensed veterinarian or certain tax-exempt sanctuaries that, in an official capacity, humanely euthanized a dangerous wild animal to eliminate the suffering of that animal due to illness or injury.

A first violation would be a Class A Parks and Wildlife Code misdemeanor (current maximum penalty a \$2,000 fine and one year in jail); a subsequent offense would be a felony (maximum penalty two to 10 years in prison and a \$5,000 fine). The offense would apply to actions taken on or after September 1, 1995.

CSHB 239 would also repeal Parks and Wildlife Code Chapter 12G, allowing state regulation of possession of wild animals, as of September 1, 1997. All counties could prohibit or regulate the keeping of wild animals in unincorporated portions of the county, as of September 1, 1995.

**SUPPORTERS  
SAY:**

CSHB 239 would ban so-called canned hunts, a barbaric activity practiced by pseudo-sportsmen that the state should not allow. Canned or controlled hunts allow hunters to take a trophy by killing an animal contained in a small pen or cage.

Killing by canned hunt violates the principle of fair chase established by sportsmen to ensure a fair hunt. The definition of fair chase according to the Boone and Crockett Club of sports hunters is the ethical, sportsmanlike and lawful pursuit and taking of any free-ranging wild game animal in a manner that does not give the hunter an improper or unfair advantage over such game animals.

This legislation is a proper and fair way to cover all aspects of controlled hunts, including the promoting, advertising, transporting, selling or raising of animals for a canned hunt. The bill does not apply to mountain lions, coyotes and other native predators.

CSHB 239 would also remove TPWD authority to control the sale, transportation, distribution or possession of dangerous wild animals, as of September 1, 1997. This sunset provision would allow TPWD and the Legislature in tandem to review state regulation of this area during the interim before the next session. In the meantime, counties other than

Harris County could also prohibit and regulate dangerous wild animals in unincorporated areas.

OPPONENTS  
SAY:

The committee substitute of the bill could create confusion for sportsman, ranchers and law enforcement personnel. The original bill had an extensive definition of captivity that included the phrase "on property having a fence constructed to prevent an animal from ranging free and unrestrained." The committee substitute now refers merely to "the state of being held under control, kept caged or penned, or confined." The more specific original language should have been retained to clear up potential misunderstandings about what captivity means.

The definition of hybrid also raises concerns for ranchers, who might inadvertently violate the law by killing an animal that is taking livestock from a protected area. Hybrid as defined in this legislation means an offspring of two animals of different breeds, species, or genera. Ranchers should be able to kill any wild animal that is killing livestock without first checking its genealogy.

OTHER  
OPPONENTS  
SAY:

Canned or controlled hunts are a perversion of the spirit of Texas' hunting and frontier heritage. This legislation should outlaw canned hunts for all types of animals, not just those listed as dangerous wild animals.

NOTES:

The committee substitute for HB 239 deleted language from the original version of the bill that further defined captivity and a section that would have prohibited use of dangerous wild animals to train or test dogs. Five animals were added to the definition of wild animal.

The substitute also added the section allowing counties other than Harris County to prohibit or regulate possession of wild animals and postponed the repeal of state regulation of possession of wild animals from 1995 to 1997.

SB 97 by Moncrief, the companion bill, passed the Senate by 30-0 on March 22 and was reported favorably, without amendment, by the House State Recreational Resources Committee on April 3, making it eligible for consideration in lieu of HB 239. SB 97 is identical to CSHB 239.

A related bill to regulate possession of wild animals, SB 23 by Moncrief, passed the Senate during the 73rd regular session in 1993 but died in the House Calendars Committee.