

SUBJECT: Revising Parks and Wildlife Code and banning computer-assisted hunting

COMMITTEE: Culture, Recreation, and Tourism — committee substitute recommended

VOTE: 5 ayes — Hilderbran, Kuempel, Dunnam, Gallego, Phillips

0 nays

2 absent — Baxter, Dukes

WITNESSES: For — None

Against — None

On — L. David Sinclair, Texas Parks and Wildlife

BACKGROUND: The holder of a valid game breeder's license may engage in the business of game breeding by selling or holding in captivity certain game animals for the purpose of propagation. A class 1 commercial game bird breeder's license entitles the holder to possess in captivity more than 1,000 game birds. A class 2 license entitles the holder to possess in captivity not more than 1,000 game birds during any calendar year. An alligator hunter's license allows a person to hunt or otherwise take alligators.

Computer-assisted remote hunters use computer technology, including the Internet, to shoot animals or birds using a firearm or archery equipment via remote control in real time. Texas Parks and Wildlife Department (TPWD) regulations do not prevent online hunting of non-game and exotic species that fall outside the department's control.

DIGEST: CSHB 2026 bill would make changes to the Parks and Wildlife Code in a number of areas.

**Game animals and game birds.** The bill would amend many of the statutes relating to the Game Breeder's License, the Game Bird Breeder's License, and private bird hunting areas. The definition of "game animal" would include a pronghorn antelope, a collared peccary or javelina, and a red or gray squirrel. The bill would incorporate part of this definition into updated tagging requirements for breeders of game animals.

A private bird hunting area no longer would be restricted to 8,000 acres, although land within the area would need to be contiguous. The bill would require that signs be posted at each entrance to the area.

The bill would amend several other provisions relating to game animals and birds, including:

- specifying that a license is required for selling game animals and game bird eggs;
- defining the term “game animal” as it relates to certain activities by the holder of a valid game breeder’s license;
- providing additional definitions for “game birds” and “migratory game birds”;
- specifying that either a class 1 or a class 2 commercial game bird breeder’s license would be valid for selling game bird eggs, regardless of the number of eggs sold;
- specifying that certain regulations related to the selling of game birds also would apply to the selling of game bird eggs; and
- specifying that each violation related to an egg generally would be considered a separate offense.

**Computer-assisted hunting.** The bill would prohibit a person from engaging in computer-assisted remote hunting or providing or operating facilities for computer-assisted remote hunting, if the animal being hunted was located in Texas. A first offense would be a class B Parks and Wildlife Code misdemeanor, punishable by a fine of between \$200 and \$2,000 and/or a jail term of 180 days, and subsequent offenses would constitute a class A misdemeanor, punishable by a fine of between \$500 and \$4,000 and/or a jail term of one year. Simply providing materials that could be used in the process of computer-assisted hunting, such as a computer or camera, would not constitute an offense.

**Hunting from watercraft.** The bill would make an exception in the statute that forbids a person from hunting wild animals and birds from a boat or watercraft on public water to allow for the hunting of alligators, frogs, and turtles under such conditions. CSHB 2026 would eliminate the requirement to hold an alligator hunter’s license when hunting alligators. Other references to an alligator hunter’s license would be removed, including a section on license fees.

**Harmful plants.** CSHB 2026 would prohibit a person from leaving any public or private water with potentially harmful aquatic plants clinging to the owner's vehicle, boat, or trailer.

**Taxidermy.** The bill would change taxidermy regulations relating to the documentation and sale of unclaimed property by a taxidermist to recover costs of performing the service.

**Confiscated game.** The bill would add exotic animals to the list of game animals that TPWD is authorized to confiscate with reason. Furthermore, the expense of any storage, care, or feeding that resulted from the confiscation of an unlawfully possessed game animal would be assessed against the violator, and the Government Code would be amended to include that cost in the list of penalties. The bill specifies that the department could auction confiscated live game to the highest bidder in a manner described by the bill.

**Other provisions.** The bill would repeal sections of the code carrying penalties that would conflict with penalties imposed by CSHB 2026. The bill also would change the definition of a "fur-bearing animal" and repeal the section that forbids a person from taking a fur-bearing animal on any privately owned area without the owner's consent. The repeal of the alligator hunting license would apply only to a license issued after September 1, 2006.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005, and would apply to offenses committed on or after that date.

**SUPPORTERS  
SAY:**

Occasional changes need to be made to the Parks and Wildlife Code based on updates in enforcement management theory. CSHB 2026 would make some "housekeeping" changes to keep the code up to date and to bring statute in line with existing practice. For example, hunting alligators or frogs from a boat on public water currently is allowed by policy, and this method should be legalized in code. In addition, reducing the number of specialized hunting licenses, such as an alligator hunting license, would simplify the statute, allowing the department to operate more efficiently and focus on its most important objectives.

Computer-assisted remote hunting, or Internet hunting, is unethical and deplorable. It is not “hunting” in any meaningful sense of the word because animals have no chance to sense and flee the hunter, who is miles away in front of a computer screen. In reality, online hunting is cruel, pay-per-view slaughter. No self-respecting hunter would condone such a practice and neither should the state.

OPPONENTS  
SAY:

Computer-assisted remote hunting is a new development that allows many people to enjoy the sport of hunting who otherwise could not. For example, Internet hunting gives people with severe disabilities the chance to participate in this activity. Also, because there is always a human managing the rifle on site for safety reasons, animals have the chance to sense the hunter’s assistant. Internet hunting should not be banned because it could be a growth industry in Texas and a possible source of revenue to the state.

NOTES:

The substitute would make a number of changes to the original bill, including:

- prohibiting computer-assisted remote hunting;
- allowing confiscated live game to be auctioned by TPWD;
- requiring the removal of harmful aquatic plants from certain watercraft and vehicles; and
- allowing alligators, frogs, and turtles to be hunted from a boat and without a license.

The Legislative Budget Board anticipates no significant fiscal impact to the state as a result of CSHB 2026. The fiscal note does project a loss of \$30,858 per fiscal year in general revenue-related funds due to the repeal of alligator hunting license fees, out of a total of \$79 million collected annually in hunting and fishing license fees.