

## BILL ANALYSIS

Senate Research Center  
78R5673 KCR-D

S.B. 989  
By: Armbrister  
Natural Resources  
4/5/2003  
As Filed

### DIGEST AND PURPOSE

Currently, a game warden or other peace officer commissioned by the Texas Parks and Wildlife Department may search a game bag, vehicle, or other receptacle if the game warden or peace officer has a reasonable, articulable suspicion that the game bag, vehicle, vessel, or receptacle contains a wildlife resource that has been unlawfully killed or taken. Current law is not clear as to whether a game warden may check for device or equipment compliance when a person is engaged in an activity regulated by the Texas Parks and Wildlife Code, and statutes vary from chapter to chapter on when and how a license, permit, or tag may be inspected by a game warden. As proposed, S.B. 989 defines certain terms; authorizes a game warden or other peace officer to inspect certain items; authorizes a game warden or other peace officer to inspect any wildlife resource that has been taken by a person and is in plain view of the game warden or other peace officer; provides that nothing authorizes a game warden or other peace officer to conduct a search otherwise authorized in certain residences or public areas; and provides that a person who refuses to allow a game warden or other peace officer to conduct an inspection commits a Class C misdemeanor.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 12B, Parks and Wildlife Code, by adding Section 12.102, as follows:

Sec. 12.102. INSPECTION OF WILDLIFE RESOURCES. (a) Defines “residence,” “temporary residence,” and “wildlife resource.”

(b) Authorizes a game warden or other peace officer commissioned by the Texas Parks and Wildlife Department (TPWD) who observes a person engaged in an activity regulated by this code or under the jurisdiction of the Parks and Wildlife Commission (commission) or who reasonably believes that a person is or has been engaged in an activity regulated by this code or under the jurisdiction of the commission, except as provided by Subsection (d), to inspect certain items.

(c) Authorizes a game warden or other peace officer commissioned by TPWD, except as provided by Subsection (d), to inspect any wildlife resource that has been taken by a person and is in plain view of the game warden or other peace officer.

(d) Provides that nothing in this section authorizes a game warden or other peace officer commissioned by TPWD to conduct a search otherwise authorized by this section in certain residences or public areas.

(e) Provides that a person who refuses to allow a game warden or other peace officer commissioned by TPWD to conduct an inspection under Subsection (b) or (c) commits

an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. Effective date: September 1, 2003.