

BILL ANALYSIS

Senate Research Center
79R6545 SGA-F

H.B. 2037
By: Allen, Ray (Seliger)
Natural Resources
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a person finally convicted of hunting from a vehicle, hunting at night, hunting with a light, or a person who kills or wounds certain big game animals (deer, pronghorn, and bighorn sheep) and fails to retrieve the animal may have his or her personal property (firearm, knife, spotlight, GPS unit, radio, mobile phone, et cetera) seized, if the property was used to commit the offense. This does not include a vehicle, aircraft, or other vessel. But, if a person crosses onto private property and kills a deer, and the landowner files criminal charges for hunting without landowner consent, there is no provision for seizing the hunter's property. Hunting without landowner consent is a state jail felony. Property used in the offense should be seized and disposed of by the Texas Parks and Wildlife Department.

H.B. 2037 permits the Parks and Wildlife Department to seize personal property upon final conviction of a person who hunts on private property without landowner consent.

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 Subchapter B, Chapter 61, Parks and Wildlife Code, by adding Section 61.0221, as follows:

Sec. 61.0221. DISPOSITION OF SEIZED PROPERTY. (a) Authorizes the court entering judgment, if a person is finally convicted of an offense under Section 61.022 (Taking Wildlife Resources Without Consent of Landowner Prohibited), to order that a weapon or other personal property used in the commission of the offense be destroyed or forfeited to the Parks and Wildlife Department (department).

(b) Authorizes the department, if it receives a forfeiture order from a court under this section, to use the property in the department's normal operations, sell or transfer the property, or destroy the property.

(c) Requires the department to deposit money from the sale of the forfeited property under this section to the game, fish, and water safety account.

(d) Provides that this section does not apply to a vehicle, aircraft, or vessel.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.