

BILL ANALYSIS

Senate Research Center
81R16679 SGA-D

H.B. 1805
By: Kuempel, Kleinschmidt (Estes)
Agriculture & Rural Affairs
4/30/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not prohibit a person, including a person with a physical disability, from hunting as long as the person has acquired a hunting license from the state and completed a hunter safety course.

The Parks and Wildlife Code prohibits, with one exception, hunting with the aid of an artificial light, including a laser sighting device. The most common hunting method used by people with certain physical disabilities is to have a hunter's aide take position behind the hunter with a physical disability to help the hunter aim his or her weapon.

Hunting with a laser sighting device could improve the accuracy of a hunter with a physical disability, increasing the effectiveness of the shot and reducing the likelihood that the targeted game is only wounded.

H.B. 1805 authorizes a person with a documented permanent physical disability to use a laser sighting device while hunting during lawful hunting hours in open seasons when assisted by a person who is not a person with a physical disability, has a hunting license, and is at least 13 years of age. The bill requires a hunter who is a person with a physical disability to carry proof of being physically disabled.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 62.005, Parks and Wildlife Code, to prohibit any person, except as provided by Section 62.0055 (Hunting with Laser Sighting Device by Legally Blind Hunter) or 62.0056, from hunting a game animal or bird protected by this code with the aid of an artificial light that casts or reflects a beam of light onto or otherwise illuminates the game animal or bird, including the headlights of a motor vehicle.

SECTION 2. Amends Subchapter A, Chapter 62, Parks and Wildlife Code, by adding Section 62.0056, as follows:

Sec. 62.0056. HUNTING WITH LASER SIGHTING DEVICE BY HUNTERS WITH CERTAIN DISABILITIES. (a) Defines "person with a physical disability" in this section. Provides that a physician's or optometrist's statement certifying the extent of the disability is sufficient documentation.

(b) Authorizes a hunter who is a person with a physical disability to use a laser sighting device during lawful hunting hours in open seasons when assisted by a person who is not a person with a physical disability, has a hunting license, and is at least 13 years of age.

(c) Requires the hunter who is a person with a physical disability to carry proof of the disability.

(d) Provides that Section 62.014 (Hunter Education Program) applies to a hunter under this section.

SECTION 3. (a) Requires the Parks and Wildlife Commission, not later than September 1, 2009, to adopt rules that prescribe what is acceptable as proof of a physical disability under Section 62.0056, Parks and Wildlife Code, as added by this Act.

(b) Prohibits the Parks and Wildlife Department from enforcing Section 62.0056(c), Parks and Wildlife Code, as added by this Act, until the rules adopted under Subsection (a) of this section take effect.

SECTION 4. Effective date: upon passage or September 1, 2009.