

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2326  
By: Frullo (Springer)  
Water, Agriculture & Rural Affairs  
5/13/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Non-native Burmese Pythons have established a breeding population in South Florida and are one of the most concerning invasive species in Everglades. In an effort to bolster efforts to keep the species from invading Texas, interested parties have asked to clarify current law and specifically name that Burmese Python as a nonindigenous snake requiring a permit to possess or transport in the state.

C.S.H.B. 2326 amends the Parks and Wildlife Code to expand the scope of nonindigenous snake permits to include a constrictor that is a Burmese python, Python bivittatus and a hybrid of any kind of snake within the permit's scope.

C.S.H.B. 2326 enhances from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor the penalty for a subsequent conviction of the offense involving a violation of provisions governing nonindigenous snake permits or a rule adopted under those provisions if it is shown at the trial that the defendant has engaged in a commercial activity without holding a required permit.

The original bill expanded the applicability of the prohibition against a person intentionally, knowingly, recklessly, or with criminal negligence releasing or allowing the release from captivity of a snake covered within the scope of nonindigenous snake permits to prohibit that conduct for any type of nonindigenous snake; whereas the substitute does not change existing law.

C.S.H.B. 2326 amends current law relating to the possession and transportation of certain nonindigenous snakes and increases a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 1 (Section 43.851, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.851(a), Parks and Wildlife Code, as follows:

(a) Requires the Texas Parks and Wildlife Commission by rule to establish permits that allow permit holders to possess or transport in Texas a live nonindigenous snake, including a hybrid of any kind, that is one of certain constrictors, including a Burmese python, Python bivittatus. Makes nonsubstantive changes.

SECTION 2. Amends Section 43.856, Parks and Wildlife Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that, except as provided by Subsection (b) (relating to providing that an offense is committed if a person violates certain nonindigenous snake permit rules) or (c), rather than except as provided by Subsection (c), a person who violates Subchapter V (Nonindigenous Snake Permit) or a rule adopted under Subchapter V commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(c) Requires that on conviction, if it is shown at the trial of the defendant for a violation of Subchapter V or a rule adopted under Subchapter V that the defendant has engaged in a commercial activity without holding a required permit and the defendant has been previously convicted of a violation of Subchapter V or a rule adopted under Subchapter V, the defendant be punished for a Class B Parks and Wildlife Code misdemeanor.

SECTION 3. Effective date: September 1, 2021.