

**SUBJECT:** Penalty for shooting a firearm across a property line

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

**VOTE:** 4 ayes — Hilderbran, Dunnam, Gallego, Phillips  
0 nays  
3 absent — Kuempel, Baxter, Dukes

**WITNESSES:** For — Kirby Brown, Texas Wildlife Association; Jimmy Gaines; Richard B. Negley  
Against — None

**DIGEST:** CSHB 505 stipulates that a hunter or recreational shooter would commit an offense if the shooter knowingly fired a gun that sent a bullet or projectile across a property line.

It would be a defense to prosecution if the shooter owned both pieces of property or had a written agreement with any person who owned property on either side of the property line that the bullet crossed. The agreement would have to name the shooter, identify the property on either side of the property line crossed by the bullet, and contain the signature of any affected property owner.

The offense would be a class C Parks and Wildlife Code misdemeanor (fine of not less than \$25 nor more than \$500). However, the person could be prosecuted under any applicable section of the Penal Code or under this section and another section.

The bill would take effect September 1, 2005.

**SUPPORTERS SAY:** CSHB 505 would enhance public safety by requiring recreational shooters to be aware of their surroundings and nearby property in the course of hunting or shooting. Tracts of land have shrunk in size over the years as portions of property are sold off, which increases the chance that a hunter's bullet might cross a property line. In addition, some hunters set up their blinds near fences, which can create a dangerous situation for

people on the other side of the property line. The chance of someone being hit by a stray bullet is very real in these situations, and this bill would be an important step in the effort to help prevent such tragedies.

A written agreement with a landowner would allow flexibility and clarity. While verbal contracts may have been convenient and perfectly adequate in the days when neighbors knew each other across generations, an agreement in writing is essential in this age of frequent resident turnover. Obtaining written agreements would not be burdensome and could prevent costly misunderstandings.

**OPPONENTS  
SAY:**

This bill would be a step in the right direction, but its requirements are too strict. Practically speaking, there are cases when neighbors have an unwritten understanding about shooting and hunting on the other's property. It would be a waste of time and resources to prosecute a shooter who abided by the terms of a handshake agreement with a neighboring property owner.

**NOTES:**

The committee substitute specifies that the bullet in question would have to have been shot by a person who was hunting or engaging in recreational shooting. It also would create a defense to prosecution involving the written agreement.