

BILL ANALYSIS

Senate Research Center
76R10000 WP-D

H.B. 1828
By: Christian (Armbrister)
Criminal Justice
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Engrossed

DIGEST

Currently, game wardens turn to justice of the peace courts for the adjudication of offenses punishable by a fine, but seizures of property believed to have been used in poaching must be handled in county courts. County courts often have crowded dockets, so cases can be left pending for two or three years, or dropped before any action is taken. H.B. 1828 would authorize the justice courts to grant to the Texas Parks and Wildlife Department disposition of seized property believed to be used in the commission of a crime regarding poaching or the illegal taking of wildlife.

PURPOSE

As proposed, H.B. 1828 set forth provisions regarding enforcement of certain poaching laws by a justice court, and disposition of seized property.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.1105(c), Parks and Wildlife Code, to require the warden or other peace officer to give notice of the seizure to the county judge or a judge of a county court at law or justice court of the county where the seizure occurred, if no person is charged with an offense in connection with the seizure of a seine, net, trawl, trap, or device.

SECTION 2. Amends Section 12.1106(b), Parks and Wildlife Code, to make a conforming change.

SECTION 3. Amends Chapter 62A, Parks and Wildlife Code, by adding Section 62.017, as follows:

Sec. 62.017. DISPOSITION OF SEIZED PROPERTY. Authorizes a court convicting a person of violating Sections 62.003, 62.004, or 62.005 to order any weapon or other personal property used in the commission of the offense destroyed or forfeited to Texas Parks and Wildlife Department (TPWD). Authorizes TPWD to use the property in its normal operation, sell or transfer the property, or destroy the property, if TPWD receives a forfeiture order from a court as authorized by this section. Provides that this section does not apply to a vehicle, aircraft, or vessel. Requires the sale proceeds to be deposited in the game, fish, and water safety account, if the disposition of property under this section is by sale of the property.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Emergency clause.