

## **BILL ANALYSIS**

Senate Research Center  
79R4733 SGA-F

H.B. 2032  
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Natural Resources  
5/3/2005  
Engrossed

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

The current wording in Section 12.201, Parks and Wildlife Code, does not allow Operation Game Thief Committee of the Texas Parks and Wildlife Commission (committee) latitude to proactively respond to changing times and issues related to modern conservation law enforcement. The proposed changes offered in H.B. 2032 allow the committee to better support the efforts of game wardens and the people of this state in the ongoing battle against natural resource crime.

Last amended in 1987, the current wording of Section 12.203, Parks and Wildlife Code, limits reward claims to "flagrant" violations related only to taking, possession, or sale of an animal, bird, reptile, or fish. The wording of this legislation was apparently written out of concern for reports of, and subsequent ticketing for, technical or minor violations, and to help protect the fund balance. A successful program history has clearly demonstrated the lack of need for either of those limitations and, at the same time, has highlighted gaps resulting from that wording.

Additionally, the scope of game warden work has changed significantly over the last two decades, further amplifying the need for a broadening of the violations for which an award may be considered. Amended wording in H.B. 2032 allows the committee to consider a reward claim upon conviction for a violation of certain statutes wardens routinely enforce, including those related to shrimping, oystering, water pollution, and solid waste dumping, antiquities destruction or damage, arson and criminal mischief, criminal trespass, theft, tampering with identification numbers, tampering with governmental record, boating while intoxicated, intoxication assault, intoxication manslaughter, and payment of sales tax on boats and boat motors.

### **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 Section 12.201, Parks and Wildlife Code, as follows:

Sec. 12.201. CREATION OF FUND. Authorizes funds deposited in the operation game thief fund to be used only for the development, acquisition, and implementation of technological advancements to facilitate the apprehension and prosecution of persons who violate laws of this state intended to protect the state's natural or cultural resources or the public safety of persons using those natural or cultural resources.

SECTION 2. Amends Section 12.203(a), Parks and Wildlife Code, as follows:

(a) Authorizes a person to apply to the Operation Game Thief Committee for a reward to be paid from the operation game thief fund if the person furnishes information leading to the arrest and conviction of a person for a violation, rather than a flagrant violation, of this code or any of certain laws or a regulation adopted under this code or any of certain laws.

SECTION 3. Repealer: Section 12.203(d) (defining "flagrant violation"), Parks and Wildlife Code.

SECTION 4. (a) Prohibits, except as provided by Subsection (b) of this section, the conviction of a person, before the effective date of this Act, for a violation of a law included under Section 12.203(a), Parks and Wildlife Code, as amended by this Act, from being the basis of a claim for reward made under Subchapter C, Chapter 12, Parks and Wildlife Code, as amended by this Act.

(b) Authorizes the conviction of a person before the effective date of this Act for a flagrant violation of the Parks and Wildlife Code or a regulation or proclamation adopted under that code applicable to the taking, possession, or sale of an animal, bird, reptile, or fish to be the basis of a claim for reward made under Subchapter C, Chapter 12, Parks and Wildlife Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2005.