

## **BILL ANALYSIS**

Senate Research Center

S.B. 1121  
By: Hegar  
Natural Resources  
10/12/2009  
Enrolled

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

The waste of game statute under Chapter 62 (Provisions Generally Applicable to Hunting), Parks and Wildlife Code, allows law enforcement officials to file criminal charges against an individual for harvesting game birds, game animals, or fish and failing to keep the edible portions of the bird, animal, or fish in an edible condition. Additionally, Section 62.011 (Retrieval and Waste of Game), Parks and Wildlife Code, applies only to the person who harvests the game.

This bill allows the Texas Parks and Wildlife Department to file criminal charges against an individual who comes into possession of a game bird, game animal, or fish and fails to maintain them in an edible condition. This legislation defines "edible condition" as fit for human consumption, excluding any portion of the game that is bruised by bullet, shot, or arrow, or otherwise destroyed; decayed or rotting; or obviously infected or diseased. This bill also defines "edible parts" as the meaty portions of a carcass that are retained for consumption after quartering.

S.B. 1121 amends current law relating to the retrieval and waste of game birds, game animals, and fish and provides a penalty.

### **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 62.011, Parks and Wildlife Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Provides that, except as provided by Subsection (c), it is an offense if a person intentionally takes or possesses a game bird, game animal, or fish and intentionally, knowingly, recklessly, or with criminal negligence fails to keep the edible portions of the bird, animal, or fish in an edible condition. Makes nonsubstantive changes.

(c) Provides that it is an offense if a person while hunting kills or wounds a desert bighorn sheep, pronghorn antelope, mule deer, or white-tailed deer in violation of Section 61.022 (Taking Wildlife Resources Without Consent of Landowner Prohibited), 62.003 (Hunting from Vehicles), 62.0031 (Hunting From Public Road or Right-of-way Prohibited), 62.004 (Hunting at Night), or 62.005 (Hunting with Light) and intentionally or knowingly fails to make a reasonable effort to retrieve the animal or intentionally, knowingly, recklessly, or with criminal negligence fails to keep the edible parts of the animal in an edible condition. Makes nonsubstantive changes.

(d) Defines "edible condition" and "edible parts."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.