

BILL ANALYSIS

Senate Research Center
81R4371 SLB-F

S.B. 1121
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Natural Resources
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As Filed

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.

Currently, the Texas Parks and Wildlife Department (TPWD) is not permitted to file criminal charges against an individual for harvesting oysters and then allowing them to go to waste. Additionally, Section 62.011 (Retrieval and Waste of Game), Parks and Wildlife Code, applies only to the person who harvests the game.

As proposed, S.B. 1121 allows TPWD to file criminal charges against an individual for harvesting oysters and failing to maintain them in an edible condition. The bill extends the requirement to anyone who comes into possession of the game. S.B. 1121 also defines "edible" as fit for human consumption, excluding any portion of the game bird, game animal, oyster, or fish that is bruised by bullet, shot, arrow, or otherwise destroyed; decayed or rotting; or obviously infected or diseased.

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 possessed a game bird, game animal, oyster, or fish and intentionally, knowingly, recklessly, or with criminal negligence, fails to keep the edible portions of the bird, animal, oyster, 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."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.