

## **BILL ANALYSIS**

Senate Research Center

S.B. 1236  
By: Flores  
Water, Agriculture & Rural Affairs  
6/23/2023  
Enrolled

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

River beds and streams sometimes used for hunting are commonly used as a conduit for trespassing on to private property and hunting without landowner consent. Current law in certain counties prohibits the discharge of a firearm or archery equipment if an individual is in a bank or bed of a river or stream, or if the discharge from the firearm or archery equipment would end up in the bed or bank of a river or stream for select counties. This law does not prohibit fishing using archery equipment as long as a bow is equipped with a reel and line, and an arrow is not equipped with fletching.

As of the 86th Legislature, the select counties include Dimmitt, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, and Zavala counties. This bill would include Lampasas County on this list.

The purpose of this bill is to deter trespassing on private property through the guise of hunting and preserve the rights of property owners in Childress, Cottle, Foard, Lampasas, and Motley Counties.

S.B. 1236 amends current law relating to the use of certain weapons in or on the bed or bank of a navigable river or stream 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. Transfers Section 284.001, Parks and Wildlife Code, to Subchapter B, Chapter 1, Parks and Wildlife Code, redesignates it as Section 1.014, Parks and Wildlife Code, and amends it as follows:

Sec. 1.014. New heading: USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM PROHIBITED. (a) Makes no changes to this subsection.

(b) Redesignates existing Subsection (c) as Subsection (b) and creates an exception under Subsection (c), rather than Subsection (d).

(c) Provides that this section does not apply to:

(1) makes no change to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) an individual engaging in fishing using archery equipment, if the individual is in compliance with Subsection (e), rather than Subsection (f);

(4) the discharge of a firearm during the legal taking of an alligator; or

(5) the discharge of a firearm from the bank of a navigable river or stream to take a venomous snake or nonindigenous rodent by:

(A) an owner of the land adjacent to or through which the navigable river or stream runs; or

(B) an agent of an owner described by Paragraph (A).

(d)-(e) Redesignates existing Subsections (e) and (f) as Subsections (d) and (e).

(f) Provides that a person who violates this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(g) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under Title 7 (Local and Special Laws), to be prosecuted under this section or the other law, but not both.

Deletes existing text of Subsection (b) providing that this section applies only to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala County.

SECTION 2. Repealer: the heading to Chapter 284 (Dimmit, Edwards, Frio, Kenedy, Llano, Maverick, Real, Uvalde, and Zavala Counties), Parks and Wildlife Code.

SECTION 3. Effective date: September 1, 2023.