

By: Farias

H.B. No. 1788

A BILL TO BE ENTITLED

AN ACT

relating to capturing reptiles and amphibians by nonlethal means;
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 43, Parks and Wildlife Code, is amended
by adding Subchapter W to read as follows:

SUBCHAPTER W. REPTILE AND AMPHIBIAN STAMP

Sec. 43.901. REPTILE AND AMPHIBIAN STAMP REQUIRED. (a) A
person may capture by nonlethal means an indigenous reptile or
amphibian only if the person possesses a reptile and amphibian
stamp issued to the person by the department.

(b) The commission by rule shall prescribe the form, design,
and manner of issuance of a stamp under this subchapter.

(c) The stamp is not valid unless the person to whom the
stamp is issued has signed the stamp on its face.

(d) The commission by rule may prescribe alternate
requirements for identifying the purchaser of a stamp issued in an
automated manner.

(e) A stamp issued under this subchapter is valid only
during the yearly period for which the stamp is issued without
regard to the date on which the stamp is acquired. Each yearly
period begins on September 1 or another date set by the commission
and extends through August 31 of the next year or another date set
by the commission.

1 Sec. 43.902. FEE. The fee for a reptile and amphibian stamp
2 is \$10 or a greater amount set by the commission. The department
3 may issue other editions of the stamp that are not valid for
4 capturing by nonlethal means a species covered by this subchapter
5 for a fee set by the commission.

6 Sec. 43.903. HUNTING LICENSE REQUIRED. The possession of a
7 reptile and amphibian stamp does not authorize a person to capture
8 by nonlethal means an indigenous reptile or amphibian:

9 (1) without possessing a hunting license required by
10 Section 42.002 or 42.005; or

11 (2) at a time or by means not otherwise authorized by
12 this code.

13 Sec. 43.904. STAMP SALE RECEIPTS. The net revenue derived
14 from the sale of reptile and amphibian stamps shall be credited to
15 the game, fish, and water safety account.

16 Sec. 43.905. PENALTY. (a) A person who violates Section
17 43.901 commits an offense that is a Class C Parks and Wildlife Code
18 misdemeanor.

19 (b) A person engaged in capturing by nonlethal means a
20 species covered by this subchapter who fails or refuses on the
21 demand of any game warden or other peace officer to show a reptile
22 and amphibian stamp is presumed to be in violation of Section
23 43.901.

24 SECTION 2. Section 62.0031, Parks and Wildlife Code, is
25 amended by amending Subsection (a) and adding Subsection (c) to
26 read as follows:

27 (a) Except as provided by Subsections [~~Subsection~~] (b) and

1 (c), a person may not hunt a wild animal or bird when the person is
2 on a public road or right-of-way.

3 (c) A person may capture by nonlethal means reptiles and
4 amphibians on a public right-of-way if the person:

5 (1) possesses a reptile and amphibian stamp issued to
6 the person by the department; and

7 (2) does not use a trap.

8 SECTION 3. Section 62.004, Parks and Wildlife Code, is
9 amended to read as follows:

10 Sec. 62.004. HUNTING AT NIGHT OR DURING OTHER PERIODS OF
11 REDUCED VISIBILITY. (a) No person may hunt any wild bird, wild game
12 bird, wild fowl, or wild game animal protected by this code at any
13 season of the year between one-half hour after sunset and one-half
14 hour before sunrise.

15 (b) Subsection (a) does not apply to a person engaging in
16 the capture by nonlethal means of a reptile or amphibian under a
17 stamp issued by the department.

18 (c) A person engaging in the capture by nonlethal means of a
19 reptile or amphibian under a stamp issued by the department must
20 wear reflective clothing when doing so at night or during periods of
21 reduced visibility.

22 SECTION 4. (a) Not later than March 1, 2012, the Parks and
23 Wildlife Commission shall adopt:

24 (1) rules to implement the changes in law made by this
25 Act; and

26 (2) the form, design, and manner of issuance of, and
27 the fee for, a reptile and amphibian stamp under Subchapter W,

1 Chapter 43, Parks and Wildlife Code, as added by this Act.

2 (b) Notwithstanding Sections 43.901(e) and 43.902, Parks
3 and Wildlife Code, as added by this Act, the initial reptile and
4 amphibian stamps issued under Subchapter W, Chapter 43, Parks and
5 Wildlife Code:

6 (1) are valid for the period beginning the date the
7 stamps first become available and ending on the expiration of the
8 first yearly period set by the Parks and Wildlife Commission under
9 Section 43.901(e); and

10 (2) shall be issued for a fee equal to the yearly fee,
11 plus a prorated amount for the period beginning the date the stamps
12 first become available and ending on the day preceding the date the
13 first yearly period begins.

14 SECTION 5. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.