

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the possession of dangerous wild animals and live
3 nonindigenous snakes in certain counties and municipalities;
4 increasing criminal penalties.

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

6 SECTION 1. Section 822.103, Health and Safety Code, is
7 amended by adding Subsections (b-1) and (d) to read as follows:

8 (b-1) An animal registration agency may not issue a
9 certificate of registration for an animal under this subchapter if
10 possession of the animal violates a county order or municipal
11 ordinance in the county or municipality in which the animal is to be
12 kept.

13 (d) On issuance of a certificate of registration for an
14 animal under this subchapter, the animal registration agency shall
15 notify, in writing, the county or municipality in which the animal
16 is to be kept.

17 SECTION 2. Section 822.108, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 822.108. INSPECTION. An owner of a dangerous wild
20 animal, at all reasonable times, shall allow the animal
21 registration agency, its staff, its agents, ~~or~~ a designated
22 licensed veterinarian, or an agent or officer of the county or
23 municipality in which the animal is kept to enter the premises where
24 the animal is kept and to inspect the animal, the primary enclosure

1 for the animal, and the owner's records relating to the animal to
2 ensure compliance with this subchapter.

3 SECTION 3. Section 822.113, Health and Safety Code, is
4 amended by amending Subsection (c) and adding Subsection (d) to
5 read as follows:

6 (c) Except as provided by Subsection (d), an [An] offense
7 under this section is a Class B [C] misdemeanor.

8 (d) An offense under this section is a Class A misdemeanor
9 if it is shown on trial of the offense that the defendant has been
10 previously convicted of an offense under this section.

11 SECTION 4. Section 43.851, Parks and Wildlife Code, is
12 amended by adding Subsections (b-1), (b-2), and (f) to read as
13 follows:

14 (b-1) The commission may not issue a permit for a
15 nonindigenous snake under this subchapter if possession of the
16 snake violates a county order or municipal ordinance in the county
17 or municipality in which the snake is to be kept.

18 (b-2) The commission by rule shall require a county or
19 municipality to notify the commission of the adoption, amendment,
20 or repeal of an order or ordinance affecting a person's ability to
21 possess a nonindigenous snake in the county or municipality.

22 (f) On issuing a permit under this subchapter, the
23 commission shall notify, in writing, the county or municipality in
24 which the snake is to be kept.

25 SECTION 5. Section 43.852, Parks and Wildlife Code, is
26 amended to read as follows:

27 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An

1 authorized department employee, or an agent or officer of the
2 county or municipality in which the snake is kept, may inspect at
3 any time and without a warrant a permit or any records required by
4 this subchapter.

5 SECTION 6. Section 43.856, Parks and Wildlife Code, is
6 amended by amending Subsections (a) and (c) and adding Subsection
7 (a-1) to read as follows:

8 (a) Except as provided by this section [~~Subsection (b) or~~
9 ~~(c)~~], a person who violates this subchapter or a rule adopted under
10 this subchapter commits an offense that is a Class C Parks and
11 Wildlife Code misdemeanor.

12 (a-1) If it is shown at the trial of the defendant for a
13 violation of this subchapter or a rule adopted under this
14 subchapter that the defendant has previously been convicted of a
15 violation of this subchapter or a rule adopted under this
16 subchapter, on conviction the defendant shall be punished for a
17 Class B Parks and Wildlife Code misdemeanor.

18 (c) If it is shown at the trial of the defendant for a
19 violation of this subchapter or a rule adopted under this
20 subchapter that the defendant has engaged in a commercial activity
21 without holding a required permit and the defendant has been
22 previously convicted of a violation of this subchapter or a rule
23 adopted under this subchapter, on conviction the defendant shall be
24 punished for a Class A [~~B~~] Parks and Wildlife Code misdemeanor.

25 SECTION 7. (a) Not later than December 1, 2023, the Parks
26 and Wildlife Commission shall adopt the rules required by Section
27 43.851(b-2), Parks and Wildlife Code, as added by this Act.

1 (b) Not later than January 1, 2024, each county or
2 municipality shall notify the commission of any order or ordinance
3 affecting a person's ability to possess a nonindigenous snake in
4 effect in that county or municipality, regardless of whether the
5 order or ordinance was adopted before, on, or after the effective
6 date of this Act.

7 SECTION 8. (a) Section 822.103, Health and Safety Code, as
8 amended by this Act, applies only to a certificate of registration
9 issued or renewed on or after the effective date of this Act.

10 (b) Sections 43.851(b-1) and (f), Parks and Wildlife Code,
11 as added by this Act, apply only to a permit issued on or after the
12 effective date of this Act.

13 SECTION 9. Section 822.108, Health and Safety Code, as
14 amended by this Act, and Section 43.852, Parks and Wildlife Code, as
15 amended by this Act, apply to an inspection conducted on or after
16 the effective date of this Act.

17 SECTION 10. Section 822.113, Health and Safety Code, as
18 amended by this Act, and Section 43.856, Parks and Wildlife Code, as
19 amended by this Act, apply only to an offense committed on or after
20 the effective date of this Act. An offense committed before the
21 effective date of this Act is governed by the law in effect on the
22 date the offense was committed, and the former law is continued in
23 effect for that purpose. For purposes of this section, an offense
24 was committed before the effective date of this Act if any element
25 of the offense was committed before that date.

26 SECTION 11. This Act takes effect September 1, 2023.