

AN ACT

relating to the discharge of a firearm across a property line; providing a penalty.

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

SECTION 1. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0121 to read as follows:

Sec. 62.0121. DISCHARGE OF FIREARM ACROSS PROPERTY LINE.

(a) In this section, "firearm" has the meaning assigned by Section 62.014(a).

(b) A person commits an offense if:

(1) the person, while hunting or engaging in recreational shooting, knowingly discharges a firearm; and

(2) the projectile from the firearm travels across a property line.

(c) It is a defense to prosecution under this section that the person:

(1) owns the property on both sides of each property line crossed by the projectile; or

(2) has a written agreement with any person who owns property on either side of each property line crossed by the projectile that allows the person to discharge a firearm on, over, or across the property or property line.

(d) The written agreement required under Subsection (c)(2) must:

1 (1) contain the name of the person allowed to hunt or
2 engage in recreational shooting in a manner described by Subsection
3 (b);

4 (2) identify the property on either side of the
5 property line crossed by the projectile; and

6 (3) be signed by any person who owns the property on
7 either side of the line crossed by the projectile.

8 (e) An offense under this section is a Class C Parks and
9 Wildlife Code misdemeanor.

10 (f) If conduct constituting an offense under this section
11 constitutes an offense under a section of the Penal Code, the person
12 may be prosecuted under either section or both sections.

13 SECTION 2. This Act takes effect September 1, 2005.

David Swihart

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 505 was passed by the House on April 29, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 505 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 9 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 pm O'CLOCK

JUN 09 2005
Roger Williams
Secretary of State