



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

September 23, 1971

Honorable James U. Cross
Executive Director
Parks and Wildlife Department
John H. Reagan Building
Austin, Texas 78701

Opinion No. M- 956

Re: Whether it is lawful for any person to make use of a dog or dogs in hunting of or pursuing, or taking deer in San Augustine County, Texas, and related questions.

Dear General Cross:

Your request for an opinion asked the following questions:

"(1) Is it lawful for any person to make use of a dog or dogs in hunting, of or pursuing, or taking deer in San Augustine County, Texas?"

"(2) Is it lawful for persons to use dogs for the purpose of trailing wounded deer in San Augustine County?"

Senate Bill 1025, Acts of the 62nd Legislature, Regular Session, 1971, Chapter 543, Page 1855, passed the Legislature May 24, 1971. It amends Article 880, Vernon's Penal Code, to read as follows:

"Section 1. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer. Any person or persons owning or controlling any dog or dogs and who permits or allows such dog or dogs to run, trail, or pursue any deer at any time shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five Dollars (\$25), and not more than Two Hundred Dollars (\$200); provided, however that this article shall not apply to the Counties of Brazoria, San Augustine, and Fort Bend. And, provided further, that it shall be lawful to use

dogs for the purpose of trailing a wounded deer in the Counties of Concho, Jones, Zapata, and Angelina.

"Sec. 2. Nothing in this article affects the provisions of the Uniform Wildlife Regulatory Act." /Article 978j-1, Vernon's Penal Code--not applicable to San Augustine County/

This Senate Bill also amends House Bill 435, Acts of the 55th Legislature, Regular Session, 1957, Chapter 171, Page 366 and provides:

"Section 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, or fawn in San Augustine County in the State of Texas, except, however, that it shall be lawful to hunt and kill wild buck deer in San Augustine County between and including the Saturday nearest November 15 and the first Sunday in January; except that if the first Sunday in January occurs after January 4, the last day of the open season is January 1."

House Bill 860, Acts of the 54th Legislature, Regular Session, 1955, Chapter 440 provides:

"It shall be unlawful for any person to make use of a dog or dogs in the hunting or of pursuing or taking of any deer in San Augustine County. Any person owning or controlling any dog who permits or allows such dog to run, trail, or pursue any deer at any time shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200)."

Said Act also provides:

"It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn in San Augustine and Sabine Counties in the State of Texas, provided, and except however,

that it shall be lawful to hunt and kill any wild buck deer in said Counties between November 16th and December 31st, both dates inclusive, of each year."

Senate Bill 1025 being the latest Act relating to hunting deer in San Augustine County will control over the provisions of House Bill 860, Acts of the 54th Legislature. Ex parte De Jesus De La O, 227 S.W.2d 212, (Tex.Crim. 1950).

In this connection it is noted that the caption to Senate Bill 1025 reads, in part, as follows:

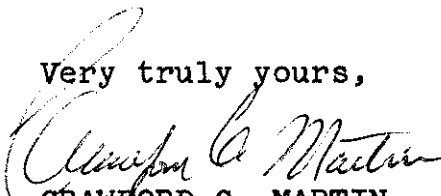
"An Act relating to allowing hunting with dogs in San Augustine County; extending the open season for the taking of deer in San Augustine County; . . ."

You are therefore advised that it is lawful for any person to make use of a dog or dogs in the hunting of or pursuing or taking of any deer in San Augustine County during the open season provided in Senate Bill 1025. Likewise it is lawful for persons to use dogs for the purpose of trailing wounded deer in San Augustine County during the open season provided in Senate Bill 1025.

S U M M A R Y

It is lawful for any person to make use of a dog or dogs in the hunting of or pursuing or taking of any deer in San Augustine County during the open season provided in Senate Bill 1025, Acts of the 62nd Legislature, Regular Session, 1971, Chapter 543, Page 1855. Likewise it is lawful for persons to use dogs for the purpose of trailing wounded deer in San Augustine County during the open season provided in Senate Bill 1025.

Very truly yours,



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Prepared by John Reeves
Assistant Attorney General

APPROVED:
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