

Texas Parks & Wildlife Code & Texas Justice Courts

Hon. Tony Norton

Justice of the Peace, Rockwall County Precinct 1

TJCTC Programs are an educational endeavor of the Justices of the Peace and Constable's Association of Texas, Inc. and funded by the Texas Court of Criminal Appeals and the Texas Department of Transportation.

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1. What type of Parks & Wildlife violations do you see most?

- Fishing
- Hunting
- Boating
- All of the above
- Other

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2. How comfortable are you with processing Parks & Wildlife violations/fines?

- Not comfortable at all
- Somewhat comfortable
- I think I know what needs to be done
- I've got this!

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**Justice Court
Jurisdiction
PWC § 12.411**

- In addition to the jurisdiction provided by the constitution and other law, a justice court has jurisdiction of Class C Parks and Wildlife Code misdemeanors.

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**Notice to
Appear
PWC §
12.106(a)**

Any peace officer or authorized employee of the Parks & Wildlife Department who arrests a person for a violation of the P&W Code or a P&W Administrative Code regulation may;

- deliver to the alleged violator a written notice to appear before the justice court having jurisdiction of the offense not later than 15 days after the date of the alleged violation.

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Failure to Appear PWC § 12.106(c)

A person who fails to appear within the time specified in the written notice commits a Class C Parks and Wildlife Code misdemeanor, and a warrant for the arrest of the alleged violator **may** be issued.

TJCTC recommends issuing the notice required by Code of Criminal Procedure Art. 45.014 before issuing a warrant.

- Additionally, a sworn complaint must be filed, as always, before issuing a warrant.

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Texas Parks & Wildlife Code Fine Ranges PWC § 12.406 & Ch 31

- Most offenses are Class C - **not less than \$25 or more than \$500**
- Exceptions
 - **not less than \$100 or more than \$500**, for a person who operates a vessel in violation of Section(s);
 - 31.021(b) - Required Numbering on vessels (Registration), or
 - 31.095 – Excessive Speed (*under conditions present at that time*)

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Texas Parks & Wildlife Code Fine Ranges PWC Ch 31

- **Not more than \$200**, for violation of;
 - 31.1071 Operation of motorboat with emergency engine cutoff switch.

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Remission of the Fines PWC § 12.107

A JP or clerk of any court who receives a fine for a violation of this code or a regulation adopted under this code **shall** ;

1. send the fine to the department within **10 days** after the date of collection, and
2. A statement containing the *docket number* of the case, *name of person* fined, **and** the *section of TPW code or regulation* violated **must** accompany the remission of the fine.

The **amount of fine** to be remitted is;

- 80 percent in county court or higher court cases, and
- **85 percent in justice court cases**

(All court costs shall be retained by the court having jurisdiction of the offense and deposited as other fees in the proper county fund)

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Disposition of Fines Texas Water Safety Act Ch 31.128

A JP or clerk of any court receiving any fine imposed for a violation of this chapter, **shall**;

1. send the fine to the Texas Parks & Wildlife Department within **10 days** after receipt, **and**
 2. shall note the docket number of the case, name of person fined, **and** section or article of law under which the conviction was secured.
- JP cases filed by a **Game Warden**, the amount to be shall be **85 percent of the fine**.
 - In county court cases filed by a game warden, the amount to be remitted shall be 80 percent of the fine.
 - JP cases filed by a **marine safety enforcement officer**, *other than a Game Warden*, the amount to be remitted shall be **60 percent of the fine**.

(All costs of the court shall be retained by the court having jurisdiction of the offense and deposited as other fees in the proper county fund.)

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Common Errors reported by Texas Parks & Wildlife

Revenue Remittance errors:

- No backup documentation submitted with Revenue report; Docket number, citation numbers, and offender name left off the report
- Wrong amount due to state. The amount that is provided includes court costs.

Court costs are not part of the fine amount!!

Non-revenue dispositions:

- no backup documentation of Docket Number, citation number, offender name, and/or jail time served.

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**Texas Parks &
Wildlife
Forms**

Revenue Disposition Form:
PWD 460

Disposition Codes

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3. The Parks & Wildlife code does not allow for compliance dismissals like the Transportation code does?

- True
- False

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Compliance Dismissals

Texas Parks & Wildlife Code

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Certificate of Number (Boat Registration) PWC § 31.021

A court **may dismiss** a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

1. the defendant remedies the defect not later than the **10th working day *after the date of the offense***
2. pays a reimbursement fee not to exceed **\$10**; and
3. the certificate of number has not been expired for more than **60 days**.

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**Boater
Education
PWC §
31.109(e)**

- If, **on or before the trial** of a person charged with an offense for failing to possess a boater ID card or USCG vessel operators license, the person produces for the court or the prosecuting attorney;

1. A boater ID card or USCG vessel operators license that was issued to the person, **and**
2. was valid at the time of the offense

the **court shall dismiss** the charge.

- No reimbursement fee required

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**Fail to Display
Required
Hunting
License
PWC § 42.024**

If, **on or before the trial** of any person charged with a violation of this section, the person produces for the court or the prosecuting attorney;

1. the proper hunting license issued to the person **and**
2. valid at the time of the offense

the court having jurisdiction of the suit **shall dismiss** the charge.

Note: The law does not provide a compliance dismissal for not having Hunters Education.

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**Fails or Refuses
to Show Fishing
License or Tag
PWC Ch 46**

If, **on or before the trial** of any person charged with the failure or refusal to show an officer a license or tag issued under this subchapter, the person produces for the court or the prosecuting attorney;

1. the proper fishing license or tag issued to the person and
2. valid at the time of the offense

the court having jurisdiction of the suit **shall dismiss** the charge.

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**Fails or Refuses
to Show Proper
Trapping
License PWC §
71.011**

If, **on or before the trial** of a person charged with a violation of this section, the person produces for the court or the prosecuting attorney;

1. The proper license that was issued to the person, **and**
2. Was valid at the time of the offense

The court **shall dismiss** that charge.

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4. The Parks & Wildlife code provides a deferral process for some violations, but are different from the Justice Courts' usual deferral process?

- True
- False

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Deferrals

Texas Parks & Wildlife Code

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Hunters Education PWC § 62.014

If, a person is charged with failing to possess the required Hunters Safety certificate, the person may;

- present to the court not later than the **10th day** after the date of the alleged offense an **oral request or written motion** to take a hunter safety training course.

If a person requests a hunter safety training course as provided above,

1. the court **shall defer** proceedings, *and*
2. allow the person **90 days** to present written evidence that,
 - the person has successfully completed a hunter safety training course approved by the department.

If a person successfully completes the course and the evidence presented is accepted by the court, the court **shall dismiss** the charge.

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Hunters Education PWC § 62.014 Defense to Prosecution

It is a **defense to prosecution** under this section for failure to possess a certificate that the person charged produces in court a certificate issued to that person that was valid on the date of the alleged offense

NOTE: Presenting a document that was valid at the time of the offense is a defense to prosecution but does not allow the court to dismiss on its own motion; but the court may dismiss on a motion from the prosecutor.

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Boater Education PWC § 31.109(f)

A person charged with **failing to possess a boater ID card or USCG vessel operators license**, may make to the court not later than the **10th day** after the date of the alleged offense;

- an **oral or written motion** requesting permission to take a boater education course approved by the department or a vessel operator's licensing course provided by the United States Coast Guard.
 - The **court shall** defer the proceedings brought against a person who makes a motion described by this subsection *and*
 - Allow the person **90 days** to present written evidence that the person has successfully completed the course approved by the department or provided by the United States Coast Guard.

If the person successfully completes the course and the court accepts the presented evidence, the court **shall dismiss** the charge.

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Boater Education Course Permitted in Lieu of Fine PWC § 31.130(a)

Slide 1

Except as provided by Section 31.131, this section applies to a person who violates **for the first time** a provision of this chapter **relating to the operation of a vessel**.

- A justice **may defer** imposition of a fine and place a defendant on probation for a period not to exceed **60 days** if the defendant:
 1. pleads guilty or nolo contendere or is found guilty; and
 2. requests permission from the court to attend a boater education course.

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**Boater Education
Course Permitted
in Lieu of Fine
PWC § 31.130(a)**

Slide 2

- The justice **shall require** the defendant to successfully complete a boater education course approved by the department during the probation period.
- If the defendant presents satisfactory evidence that the defendant has successfully completed the boater education course, the justice **shall waive imposition of a fine.**
- If the defendant fails to successfully complete the boater education course, the justice **shall impose a fine** for the violation.

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**Compliance
Dismissal for Certain
Offenses After Hunter
Education Course
PWC § 61.902**

**NEW
HB654 89th(R)**

ONLY applies to alleged offenses that prohibits the hunting of certain mule deer or white-tailed deer based on the inside or outside spread measurement of the deer's antlers, based on a difference of one inch or less.

- Court **may**, without entering an adjudication of guilt, defer proceedings against a defendant for a period not to exceed 180 days if the defendant:
 1. Reported the offense to a Game Warden
 2. Did not retain possession of the deer carcass
 3. Has NO previous conviction for same offense or had a charge dismissed
 4. Pleads nolo contendere or guilty in open court, and
 5. Presents a request to the court orally or in writing to take a hunter education course.

Court **shall** dismiss if the defendant presents successful completion of Hunters Education and has no violations of TPW code or Proclamation before last day of deferral period.

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Mandatory Boater Education

Texas Parks & Wildlife Code Ch.
31.131

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Boater Education Course Required for Certain Violations PWC § 31.131

Slide 1

Boating Offenses this section applies to:

- 31.094 – Reckless or Negligent Operation
- 31.095 – Excessive Speed
- 31.096 – Reckless Operation and Excessive Speed
- 31.098 – Hazardous Wake or Wash
- 31.099 – Prohibition on Circular Course Around Individuals Engaged in Water Activities
- 31.100 – interference with Markers or Ramps
- 31.101 – Obstructing Passage
- 31.102 – Operating Boats in Restricted Areas
- 31.1021 – Operating Vessels in Scuba Diving or Snorkeling Areas
- 31.103 – Water Skis, Aquaplanes, Etc.: Time and Manner of Operation, or
- 31.106 – Personal Watercraft violations, to;

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**Boater Education
Course Required
for Certain
Violations
PWC § 31.131**

Slide 2

A justice **shall require** a person who is adjudged guilty of an offense resulting from the violation of a provision of Sections (on previous slide) to

1. pay **any fine imposed** for the violation;
and
2. successfully complete a **boater education course** approved by the department **not later than the 90th day** after the date the person is adjudged guilty.

If the person fails to successfully complete the boater education course, the person commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

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Scenarios

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Scenario 1

Defendant is charged by citation in your court by a local Game Warden for (1) Hunting without a license, (2) No Hunters Education, and (3) Class C, PC30.06 Agriculture Trespass.

Your courts fine schedule is set at;

- No hunting license = \$100 fine
- No hunters education = \$100 fine
- PC 30.06 Agriculture trespass = \$150 fine

What is the total fine revenue due to Texas Parke & Wildlife?

- a. \$160.00
- b. \$170.00
- c. \$280.00
- d. \$297.50

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Scenario 2, Part I

The defendant from Scenario #1 before trial produces, for the court's examination, a hunting license that was issued on August 15, 2024. The date of the offense was September 1st, 2025, so they ask the court to dismiss their No hunting license citation.

Should you dismiss this case as a compliance dismissal?

- a. Yes
- b. No

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Scenario 2, Part II

If the defendant's hunting license was valid on August 15, 2025, are you required to dismiss the charge for No Hunting License?

- a. Yes
- b. No

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Scenario 3

From Scenario #1, the defendant produces for the court's examination, a Hunters Education Certificate that was valid at the time of the offense.

Can the Court dismiss this charge on its own motion?

- a. Yes
- b. No

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Scenario 4, Part I

A defendant is charged in your court for PWC 31.106 Personal Watercraft violations and is subsequently adjudged guilty of that charge. The defendant is required to:

- a. Pay any fine imposed
- b. Ask for a deferral
- c. Successfully complete a boater education course within 90 days.
- d. Both a & c

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Scenario 4, Part II

If they fail to complete the boater education course as required, what happens next?

- a. The court refers class A misdemeanor to the county court
- b. The officer who filed the original violation arrests the defendant for non-compliance
- c. The court refers the failure to complete boaters education with the district attorney for prosecution
- d. The officer who filed the original charge files information with district attorney for prosecution

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QUESTIONS?

It has been my pleasure sharing this information with you.

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