



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

June 4, 1947

Honorable Tom Martin, Chairman,
Game and Fisheries Committee,
House of Representatives,
Austin, Texas

Opinion No. V-237

Re: Constitutionality
of H. B. 309 amend-
ing Article 480a,
Penal Code 1925.

Dear Sir:

You request the opinion of this department upon the constitutionality of House Bill No. 309 of the 50th Legislature, a copy of which Bill accompanies your request.

The Title to the Bill is as follows:

"An Act amending Article 480a, Penal Code, 1925, to make it the duty of the Game, Fish and Oyster Commission to enforce the provisions thereof; providing for remission of fines and penalties collected thereunder and deposit thereof; repealing conflicting laws and declaring an emergency."

There is no Article 480a Penal Code 1925. Article 480a of the Penal Code as codified in Vernon's Texas Statutes is the Article to be amended. This is made clear in Section 1 of the body of the Act which identifies the Article with House Bill 29, Second Called Session, 41st Legislature, ch. 3, p. 4.

The Title should be amended so as to amend House Bill 29, Chapter 3, Second Called Session 41st Legislature rather than "Article 480a Penal Code 1925."

Section 1 of the body of the Bill should be amended to correspond with the Title as to the statute being amended.

With the changes above suggested, the Bill, if enacted into law, would be valid as against any constitutional objection.

SUMMARY

House Bill No. 309 of the 50th Legislature is defective in that the Title purports to amend "Article 480a, Penal Code 1925," and there is no such Article in the Penal Code of 1925. The Title should be re-written to amend House Bill 29, Chapter 3, Second Called Session 41st Legislature, and Section 1 of the body of the Bill changed accordingly. With the changes suggested the Bill would be free from constitutional vice.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ocie Speer*
Ocie Speer *ss*
Assistant

OS:WB

APPROVED

Fritz Daniel
ATTORNEY GENERAL