

By: González of El Paso

H.B. No. 3289

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the penalties for a violation of a quarantine or rule to  
3 protect pecans or pecan trees from diseases or pests; increasing  
4 civil penalties.

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

6 SECTION 1. Section 71.012, Agriculture Code, is amended by  
7 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
8 read as follows:

9 (a) Except as provided by Subsections (a-1) and (a-2), a [A]  
10 person who violates this subchapter or a rule adopted under this  
11 subchapter is liable to the state for a civil penalty of not less  
12 than \$250 nor more than \$10,000 for each violation. Each day a  
13 violation continues may be considered a separate violation for  
14 purposes of a civil penalty assessment.

15 (a-1) Subject to Subsection (a-2), a person who violates a  
16 quarantine established under this subchapter against a pest or  
17 disease affecting pecans or pecan trees or violates a rule adopted  
18 under this subchapter for the protection of pecans or pecan trees is  
19 liable to the state for a civil penalty of not less than \$500 nor  
20 more than \$20,000 for each violation. Each day a violation  
21 continues may be considered a separate violation for purposes of a  
22 civil penalty assessment.

23 (a-2) For the first violation of a quarantine established  
24 under this subchapter against a pest or disease affecting pecans or

1 pecan trees or a violation of a rule adopted under this subchapter  
2 for the protection of pecans or pecan trees, in lieu of a civil  
3 penalty, a registrant under Section 71.043 may remedy the violation  
4 by entering into a compliance agreement with the department and  
5 returning, treating, or destroying the article subject to the  
6 quarantine as directed by the department.

7 SECTION 2. Section 71.013, Agriculture Code, is amended by  
8 amending Subsection (b) and adding Subsection (b-1) to read as  
9 follows:

10 (b) Except as provided by Subsection (b-1), an [An] offense  
11 under this section is a Class C misdemeanor.

12 (b-1) For the first violation constituting an offense under  
13 this section, in lieu of a criminal penalty, a registrant under  
14 Section 71.043 may remedy the violation by entering into a  
15 compliance agreement with the department and returning, treating,  
16 or destroying the article subject to the quarantine as directed by  
17 the department.

18 SECTION 3. The changes in law made by this Act apply only to  
19 an offense or other violation committed on or after September 1,  
20 2021. An offense or other violation committed before September 1,  
21 2021, is governed by the law in effect on the date the offense or  
22 violation was committed, and the former law is continued in effect  
23 for that purpose. For purposes of this section, an offense or  
24 violation was committed before September 1, 2021, if any element of  
25 the offense or violation occurred before that date.

26 SECTION 4. This Act takes effect September 1, 2021.