

1-1 By: Hinojosa S.B. No. 1839
1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read
1-3 first time and referred to Committee on Water, Agriculture & Rural
1-4 Affairs; April 17, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1839 By: Flores

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the unlawful sale or purchase of shark fins or shark fin
1-22 products; creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 66.2161, Parks and Wildlife Code, is
1-25 amended to read as follows:

1-26 Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS OR SHARK FIN
1-27 PRODUCTS; OFFENSE. (a) In this section:

1-28 (1) "Destroy" means, with respect to a shark fin, to
1-29 denature the fin for the purpose of rendering the fin inedible.

1-30 (2) "Place of business" has the meaning assigned by
1-31 Section 47.001.

1-32 (3) "Sale" includes barter and exchange.

1-33 (4) "Shark" means any species of the subclass
1-34 Elasmobranchii.

1-35 (5) [~~(2)~~] "Shark fin" means the fresh and uncooked, or
1-36 cooked, frozen, dried, or otherwise processed, detached fin or tail
1-37 of a shark.

1-38 (b) A person may process in a place of business or
1-39 restaurant a shark carcass into steaks or fillets only if:

1-40 (1) the steaks and fillets do not contain any portion
1-41 of a shark fin; and

1-42 (2) each of the shark's fins is destroyed and discarded
1-43 in the manner prescribed by the department immediately on detaching
1-44 the fins from the remainder of the carcass.

1-45 (c) A person commits an offense if the person:

1-46 (1) fails to immediately destroy and discard a shark
1-47 fin as required by Subsection (b) or otherwise violates that
1-48 subsection;

1-49 (2) buys or offers to buy, sells or offers to sell,
1-50 possesses [~~may not buy or offer to buy, sell or offer to sell,~~
1-51 possess] for the purpose of sale, transports or ships [~~transport,~~
1-52 or ship] for the purpose of sale, or advertises for sale [~~barter, or~~
1-53 exchange] a shark fin regardless of where the shark was taken or
1-54 caught; or

1-55 (3) violates a proclamation or rule adopted under this
1-56 section.

1-57 (d) Except as provided by Subsection (e), an offense under
1-58 this section is a Class B Parks and Wildlife Code misdemeanor.

1-59 (e) An offense under this section is a Class A Parks and
1-60 Wildlife Code misdemeanor if it is shown on the trial of the offense

2-1 that the defendant has previously been convicted of an offense
2-2 under this section during the five-year period preceding the date
2-3 of the trial of the current offense.

2-4 (f) Each shark fin a person purchases or possesses for the
2-5 purpose of sale in violation of this section constitutes a separate
2-6 offense.

2-7 (g) For purposes of Subsection (c)(2), proof that the
2-8 person possessed a shark fin, other than a shark fin that has been
2-9 destroyed, in a place of business or restaurant or on any commercial
2-10 vessel on the waters of this state is prima facie evidence that the
2-11 person possessed the shark fin for the purpose of sale.

2-12 (h) For purposes of Subsection (c)(2), proof that the
2-13 person advertised for sale a shark fin, a product containing shark
2-14 fin, or a product represented to be or to contain shark fin is prima
2-15 facie evidence that the person offered a shark fin for sale.

2-16 [~~(c) A person may buy or offer to buy, sell or offer to sell,
2-17 possess for the purpose of sale, transport, or ship for the purpose
2-18 of sale, barter, or exchange a shark carcass that retains all of its
2-19 fins naturally attached to the carcass through some portion of
2-20 uncut skin.~~]

2-21 (i) [~~(d)~~] Notwithstanding Subsection (c)(2) [~~(b)~~], the
2-22 department may issue a permit for the possession, transport, sale,
2-23 or purchase of shark fins for a bona fide scientific research
2-24 purpose. Subsection (c)(2) does not apply to a person who
2-25 possesses, transports, sells, or purchases a shark fin in
2-26 accordance with a permit issued under this subsection.

2-27 (j) [~~(e)~~] When a person is charged with an offense under
2-28 [~~violating~~] this section, the warden or other peace officer shall
2-29 seize and hold [~~the shark fin~~] as evidence the shark fin, product
2-30 containing shark fin, or product represented to be or to contain
2-31 shark fin. Notwithstanding Section 12.109, on a final court
2-32 ruling, the department shall destroy the shark fin, product
2-33 containing shark fin, or product represented to be or to contain
2-34 shark fin.

2-35 (k) The commission may adopt rules as necessary to
2-36 administer this section.

2-37 [~~(f) A person may possess a shark fin if:~~
2-38 [~~(1) the person holds the appropriate state or federal
2-39 license or permit authorizing the taking or landing of a shark for
2-40 recreational or commercial purposes;~~
2-41 [~~(2) the shark fin is taken from a shark that the
2-42 person has taken or landed; and~~
2-43 [~~(3) the shark fin is taken in a manner consistent with
2-44 the person's license.~~]

2-45 SECTION 2. Sections 66.218(c) and (d), Parks and Wildlife
2-46 Code, are repealed.

2-47 SECTION 3. The changes in law made by this Act apply only to
2-48 an offense committed on or after the effective date of this Act. An
2-49 offense committed before the effective date of this Act is governed
2-50 by the law in effect on the date the offense was committed, and the
2-51 former law is continued in effect for that purpose. For purposes of
2-52 this section, an offense was committed before the effective date of
2-53 this Act if any element of the offense occurred before that date.

2-54 SECTION 4. This Act takes effect September 1, 2023.

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