

By: Eiland

H.B. No. 4595

A BILL TO BE ENTITLED

AN ACT

relating to responsibility and criminal penalties for certain violations committed by commercial oyster boat crews.

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

SECTION 1. Section 76.118, Parks and Wildlife Code, is amended by amending Subsections (b), (c), and (e) and adding Subsection (e-1) to read as follows:

(b) A person who violates Section 76.101, 76.107, or 76.109[, ~~or 76.116 of this code~~] or a regulation of the commission issued under one of those sections commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(c) A person who violates Section 76.116, or at the same time violates Sections [~~Section~~] 76.109 and [~~either Section~~] 76.116, [~~or Section 76.205 of this code~~] commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

(e) If it is shown at the trial of a defendant for a violation of Section 76.101, 76.107, or 76.109[, ~~or 76.116 of this code~~] that the defendant has been convicted once within five years before the trial date of a violation of Section 76.101, 76.107, or 76.109, [~~or 76.116 of this code~~], the defendant is guilty of a Class A Parks and Wildlife Code misdemeanor.

(e-1) If it is shown at the trial of a defendant for a violation of Section 76.116 that the defendant has been convicted once within five years before the trial date of a violation of

1 Section 76.116, the defendant is guilty of a Parks and Wildlife Code
2 state jail felony.

3 SECTION 2. Section 76.119(a), Parks and Wildlife Code, is
4 amended to read as follows:

5 (a) If a vessel licensed as a commercial oyster boat is
6 involved in a violation of this chapter, the captain of the vessel
7 licensed as a commercial oyster boat is primarily responsible for
8 the violation. A member of the crew of a vessel licensed as a
9 commercial oyster boat is not guilty of a violation unless the
10 member of the crew committed the violation against the captain's
11 orders, except for a violation of Section 76.109 or 76.116 ~~[of this~~
12 ~~subchapter]~~, in which case each person on the vessel is responsible
13 for the violation.

14 SECTION 3. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 covered by the law in effect when the offense was committed. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 4. This Act takes effect September 1, 2009.