

By: Flynn

H.B. No. 1806

A BILL TO BE ENTITLED

AN ACT

relating to fishing tournament fraud; providing penalties.

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

SECTION 1. Section 66.119, Parks and Wildlife Code, is transferred to Subchapter A, Chapter 66, Parks and Wildlife Code, redesignated as Section 66.023, Parks and Wildlife Code, and amended to read as follows:

Sec. 66.023 [~~66.119~~]. FRAUD IN [~~FRESHWATER~~] FISHING TOURNAMENTS. (a) In this section, "fishing tournament" means a contest in which a prize is to be awarded to one or more participants in the contest based on the weight, length, number, or type of [~~freshwater~~] fish caught by the participants or based on any other criteria applicable to the fish caught.

(b) A person commits an offense if, with intent to affect the outcome of a fishing tournament:

(1) the person provides, offers to provide, sells, or offers to sell a fish to a participant in the tournament for the purpose of representing that the fish was caught by the participant in the course of the tournament;

(2) the person, as a participant in the tournament, accepts or agrees to accept a fish from another person for the purpose of representing that the fish was caught by the participant in the course of the tournament; [~~or~~]

(3) the person, as a participant in the tournament,

1 represents that a fish was caught by the person in the course of the
2 tournament when in fact the fish was not caught by that person or
3 the fish was not caught in the course of that tournament;

4 (4) the person alters the length or weight of a fish
5 for the purpose of representing that the fish as entered in the
6 tournament was that length or weight when caught; or

7 (5) the person enters a fish in the tournament that was
8 taken in violation of any provision of this code or a proclamation
9 or regulation of the commission adopted under this code.

10 (c) A person commits an offense if the person sponsors or
11 conducts a fishing tournament and knows of the occurrence in the
12 tournament of activity prohibited by Subsection (b) of this section
13 and does not immediately notify a law enforcement officer
14 commissioned by the director of its occurrence.

15 (d) An offense under this section is a Class A misdemeanor,
16 except that if the offense occurred during a tournament in which any
17 prize or combination of prizes to be awarded for any one category
18 for which an award is given, whether the prize or prizes are to an
19 individual or a team, is worth \$10,000 or more in money or goods,
20 the offense is a felony of the third degree.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 covered by the law in effect when the offense was committed, and the
25 former law is continued in effect for that purpose. For purposes of
26 this section, an offense was committed before the effective date of
27 this Act if any element of the offense was committed before that

1 date.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.