

1-1 By: Flynn (Senate Sponsor - Hegar) H.B. No. 1806
1-2 (In the Senate - Received from the House April 19, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 3, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 3, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to fishing tournament fraud; providing penalties.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 66.119, Parks and Wildlife Code, is
1-11 transferred to Subchapter A, Chapter 66, Parks and Wildlife Code,
1-12 redesignated as Section 66.023, Parks and Wildlife Code, and
1-13 amended to read as follows:

1-14 Sec. 66.023 [~~66.119~~]. FRAUD IN [~~FRESHWATER~~] FISHING
1-15 TOURNAMENTS. (a) In this section, "fishing tournament" means a
1-16 contest in which a prize is to be awarded to one or more
1-17 participants in the contest based on the weight, length, number, or
1-18 type of [~~freshwater~~] fish caught by the participants or based on any
1-19 other criteria applicable to the fish caught.

1-20 (b) A person commits an offense if, with intent to affect
1-21 the outcome of a fishing tournament:

1-22 (1) the person provides, offers to provide, sells, or
1-23 offers to sell a fish to a participant in the tournament for the
1-24 purpose of representing that the fish was caught by the participant
1-25 in the course of the tournament;

1-26 (2) the person, as a participant in the tournament,
1-27 accepts or agrees to accept a fish from another person for the
1-28 purpose of representing that the fish was caught by the participant
1-29 in the course of the tournament; [~~or~~]

1-30 (3) the person, as a participant in the tournament,
1-31 represents that a fish was caught by the person in the course of the
1-32 tournament when in fact the fish was not caught by that person or
1-33 the fish was not caught in the course of that tournament;

1-34 (4) the person alters the length or weight of a fish
1-35 for the purpose of representing that the fish as entered in the
1-36 tournament was that length or weight when caught; or

1-37 (5) the person enters a fish in the tournament that was
1-38 taken in violation of any provision of this code or a proclamation
1-39 or regulation of the commission adopted under this code.

1-40 (c) A person commits an offense if the person sponsors or
1-41 conducts a fishing tournament and knows of the occurrence in the
1-42 tournament of activity prohibited by Subsection (b) of this section
1-43 and does not immediately notify a law enforcement officer
1-44 commissioned by the director of its occurrence.

1-45 (d) An offense under this section is a Class A misdemeanor,
1-46 except that if the offense occurred during a tournament in which any
1-47 prize or combination of prizes to be awarded for any one category
1-48 for which an award is given, whether the prize or prizes are to an
1-49 individual or a team, is worth \$10,000 or more in money or goods,
1-50 the offense is a felony of the third degree.

1-51 SECTION 2. The change in law made by this Act applies only
1-52 to an offense committed on or after the effective date of this Act.
1-53 An offense committed before the effective date of this Act is
1-54 covered by the law in effect when the offense was committed, and the
1-55 former law is continued in effect for that purpose. For purposes of
1-56 this section, an offense was committed before the effective date of
1-57 this Act if any element of the offense was committed before that
1-58 date.

1-59 SECTION 3. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as
1-61 provided by Section 39, Article III, Texas Constitution. If this
1-62 Act does not receive the vote necessary for immediate effect, this
1-63 Act takes effect September 1, 2011.

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