

## **BILL ANALYSIS**

Senate Research Center  
83R4645 SGA-F

S.B. 572  
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Natural Resources  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Shark fins are sold around the world and can demand up to \$700 per pound in some countries. The practice of acquiring the fins, "shark finning," results in high numbers of dead sharks. Sharks are caught, fins removed, and the sharks are thrown back into the ocean. Because far more fins can fit on a boat than full sharks, this is the preferred method of obtaining shark fins. In addition to the inhumane way shark fins are obtained, overfishing is leading to the fast depletion of shark populations that negatively affect the ocean's ecosystem.

Federally, shark finning is illegal. In Texas, there is already a limit set at one shark per day per licensed fisher. S.B. 572 would not change the amount of sharks that can be caught but complement existing federal and Texas law.

S.B. 572 will prohibit a person from possessing, selling, offering for sale, trading, purchasing, or transporting a shark fin. It also removes sharks from the list of finfish that may be possessed with head and fins removed without proper processing.

S.B. 572 will create a Class B Parks and Wildlife Code misdemeanor for possession of such fins and allow an exception for research purposes.

As proposed, S.B. 572 amends current law relating to the sale and purchase of shark fins or products derived from shark fins, and creates an offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 66.216, Parks and Wildlife Code, to prohibit any person from possessing a finfish of any species taken from coastal water, except broadbill swordfish or king mackerel, rather than broadbill swordfish, shark, and king mackerel, that has the head or tail removed unless the fish has been finally processed and delivered to the final destination or to a certified wholesale or retail dealer.

SECTION 2. Amends Subchapter C, Chapter 66, Parks and Wildlife Code, by adding Section 66.2161, as follows:

Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) Defines "shark" and "shark fin" in this section.

(b) Prohibits a person from buying or offering to buy, sell or offer to sell, possess for the purpose of sale, transport, or ship for the purpose of sale, barter, or exchange a shark fin.

(c) Provides that this section applies to the possession, transportation, sale, or purchase of any shark fin regardless of where the shark was taken or caught, except as provided by Subsection (d).

(d) Provides that this section does not apply to the possession or transportation in this state of a shark fin taken or caught outside this state and transported from a point outside this state by common carrier without being unloaded in this state to a point of delivery outside this state.

(e) Authorizes the Texas Parks and Wildlife Department (TPWD), notwithstanding Subsection (b), to issue a permit for the possession, transport, sale, or purchase of shark fins for a bona fide scientific research purpose.

(f) Requires the warden or other peace officer, when a person is charged with violating this section, to seize and hold the shark fin as evidence. Requires TPWD, notwithstanding Section 12.109 (Confiscation and Disposition of Aquatic Products), to destroy the shark fin.

SECTION 3. Amends Section 66.218, Parks and Wildlife Code, by adding Subsections (c) and (d), as follows:

(c) Provides that a person who violates Section 66.2161 or a proclamation adopted under that section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(d) Requires on conviction a defendant, if it is shown at the trial for a violation of Section 66.2161 or a proclamation adopted under that section that the defendant has been convicted within five years before the trial date of a violation of that section, to be punished for a Class A Parks and Wildlife Code misdemeanor.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: July 1, 2014.