

By: Lucio III, Isaac, Farrar, Herrero,  
et al.

H.B. No. 852

Substitute the following for H.B. No. 852:

By: Dukes

C.S.H.B. No. 852

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale and purchase of shark fins or products derived  
3 from shark fins; creating an offense.

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

5 SECTION 1. Section 66.216, Parks and Wildlife Code, is  
6 amended to read as follows:

7 Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) No  
8 person may possess a finfish of any species taken from coastal  
9 water, except broadbill swordfish, shark, or ~~and~~ king mackerel,  
10 that has the head ~~or tail~~ removed unless the fish has been finally  
11 processed and delivered to the final destination or to a certified  
12 wholesale or retail dealer.

13 (b) No person may possess a finfish of any species taken  
14 from coastal water, except broadbill swordfish or king mackerel,  
15 that has the tail removed unless the fish has been finally processed  
16 and delivered to the final destination or to a certified wholesale  
17 or retail dealer.

18 SECTION 2. Subchapter C, Chapter 66, Parks and Wildlife  
19 Code, is amended by adding Section 66.2161 to read as follows:

20 Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) In this  
21 section:

22 (1) "Shark" means any species of the subclass  
23 Elasmobranchii.

24 (2) "Shark fin" means the fresh and uncooked, or

1 cooked, frozen, dried, or otherwise processed, fin or tail of a  
2 shark.

3 (b) A person may not buy or offer to buy, sell or offer to  
4 sell, possess for the purpose of sale, transport, or ship for the  
5 purpose of sale, barter, or exchange a shark fin.

6 (c) Except as provided by Subsection (d), this section  
7 applies to:

8 (1) the possession or transportation of any shark fin  
9 with the intent to sell the fin regardless of where the shark was  
10 taken or caught; and

11 (2) the sale or purchase of any shark fin regardless of  
12 where the shark was taken or caught.

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

18 (e) Notwithstanding Subsection (b), the department may  
19 issue a permit for the possession, transport, sale, or purchase of  
20 shark fins for a bona fide scientific research purpose.

21 (f) When a person is charged with violating this section,  
22 the warden or other peace officer shall seize and hold the shark fin  
23 as evidence. Notwithstanding Section 12.109, on a final court  
24 ruling, the department shall destroy the shark fin.

25 SECTION 3. Section 66.218, Parks and Wildlife Code, is  
26 amended by adding Subsections (c) and (d) to read as follows:

27 (c) A person who violates Section 66.2161 or a proclamation

1 adopted under that section commits an offense that is a Class B  
2 Parks and Wildlife Code misdemeanor.

3 (d) If it is shown at the trial for a violation of Section  
4 66.2161 or a proclamation adopted under that section that the  
5 defendant has been convicted within five years before the trial  
6 date of a violation of that section, on conviction the defendant  
7 shall be punished for a Class A Parks and Wildlife Code misdemeanor.

8 SECTION 4. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16 SECTION 5. This Act takes effect July 1, 2014.