

By: Lucio III

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. No person
8 may possess a finfish of any species taken from coastal water,
9 except broadbill swordfish or [~~, shark, and~~] king mackerel, that
10 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 SECTION 2. Subchapter C, Chapter 66, Parks and Wildlife
14 Code, is amended by adding Section 66.2161 to read as follows:

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

17 (1) "Shark" means any species of the subclass
18 Elasmobranchii.

19 (2) "Shark fin" means the fresh and uncooked, or
20 cooked, frozen, dried, or otherwise processed, fin or tail of a
21 shark.

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

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

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

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

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

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

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

21 (d) If it is shown at the trial for a violation of Section
22 66.2161 or a proclamation adopted under that section that the
23 defendant has been convicted within five years before the trial
24 date of a violation of that section, on conviction the defendant
25 shall be punished for a Class A Parks and Wildlife Code misdemeanor.

26 SECTION 4. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

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