

1-1 By: Lucio III, et al. (Senate Sponsor - Hinojosa) H.B. No. 852
1-2 (In the Senate - Received from the House May 6, 2013;
1-3 May 7, 2013, read first time and referred to Committee on Natural
1-4 Resources; May 17, 2013, reported favorably by the following vote:
1-5 Yeas 7, Nays 1; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16		X		
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the sale and purchase of shark fins or products derived
1-22 from shark fins; creating an offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 66.216, Parks and Wildlife Code, is
1-25 amended to read as follows:

1-26 Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) No
1-27 person may possess a finfish of any species taken from coastal
1-28 water, except broadbill swordfish, shark, or ~~and~~ king mackerel,
1-29 that has the head ~~or tail~~ removed unless the fish has been finally
1-30 processed and delivered to the final destination or to a certified
1-31 wholesale or retail dealer.

1-32 (b) No person may possess a finfish of any species taken
1-33 from coastal water, except broadbill swordfish or king mackerel,
1-34 that has the tail removed unless the fish has been finally processed
1-35 and delivered to the final destination or to a certified wholesale
1-36 or retail dealer.

1-37 SECTION 2. Subchapter C, Chapter 66, Parks and Wildlife
1-38 Code, is amended by adding Section 66.2161 to read as follows:

1-39 Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) In this
1-40 section:

1-41 (1) "Shark" means any species of the subclass
1-42 Elasmobranchii.

1-43 (2) "Shark fin" means the fresh and uncooked, or
1-44 cooked, frozen, dried, or otherwise processed, fin or tail of a
1-45 shark.

1-46 (b) A person may not buy or offer to buy, sell or offer to
1-47 sell, possess for the purpose of sale, transport, or ship for the
1-48 purpose of sale, barter, or exchange a shark fin.

1-49 (c) Except as provided by Subsection (d), this section
1-50 applies to:

1-51 (1) the possession or transportation of any shark fin
1-52 with the intent to sell the fin regardless of where the shark was
1-53 taken or caught; and

1-54 (2) the sale or purchase of any shark fin regardless of
1-55 where the shark was taken or caught.

1-56 (d) This section does not apply to the possession or
1-57 transportation in this state of a shark fin taken or caught outside
1-58 this state and transported from a point outside this state by common
1-59 carrier without being unloaded in this state to a point of delivery
1-60 outside this state.

1-61 (e) Notwithstanding Subsection (b), the department may

2-1 issue a permit for the possession, transport, sale, or purchase of
2-2 shark fins for a bona fide scientific research purpose.

2-3 (f) When a person is charged with violating this section,
2-4 the warden or other peace officer shall seize and hold the shark fin
2-5 as evidence. Notwithstanding Section 12.109, on a final court
2-6 ruling, the department shall destroy the shark fin.

2-7 SECTION 3. Section 66.218, Parks and Wildlife Code, is
2-8 amended by adding Subsections (c) and (d) to read as follows:

2-9 (c) A person who violates Section 66.2161 or a proclamation
2-10 adopted under that section commits an offense that is a Class B
2-11 Parks and Wildlife Code misdemeanor.

2-12 (d) If it is shown at the trial for a violation of Section
2-13 66.2161 or a proclamation adopted under that section that the
2-14 defendant has been convicted within five years before the trial
2-15 date of a violation of that section, on conviction the defendant
2-16 shall be punished for a Class A Parks and Wildlife Code misdemeanor.

2-17 SECTION 4. The change in law made by this Act applies only
2-18 to an offense committed on or after the effective date of this Act.
2-19 An offense committed before the effective date of this Act is
2-20 governed by the law in effect on the date the offense was committed,
2-21 and the former law is continued in effect for that purpose. For
2-22 purposes of this section, an offense was committed before the
2-23 effective date of this Act if any element of the offense occurred
2-24 before that date.

2-25 SECTION 5. This Act takes effect July 1, 2014.

2-26 * * * * *