

## **BILL ANALYSIS**

Senate Research Center

H.B. 1579  
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Agriculture, Water & Rural Affairs  
5/21/2015  
Engrossed

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

Interested parties note that individuals in many places are allowed to sell and purchase shark fins on the open market and that the appetite for shark fin has resulted in the endangerment of many shark species. The parties assert that it is a common practice for a shark fin harvester to sever a shark's fin while the shark is still alive and then release the shark back into the water, a practice that often results in the shark's death because a shark cannot properly swim without its fin. H.B. 1579 seeks to curb such heinous practices in Texas.

H.B. 1579 amends current law relating to the sale and purchase of shark fins or products derived from shark fins; creating a criminal 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, as follows:

Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) Creates this subsection from existing text. Provides that no person may possess a finfish of any species taken from coastal water, except broadbill swordfish, shark, or king mackerel, that has the head removed unless the fish has been finally processed and delivered to the final destination or to a certified wholesale or retail dealer.

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

Deletes existing text providing that no person may possess a finfish of any species taken from coastal water, except 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."

(b) Prohibits a person from buying or offering to buy, selling or offering to sell, possessing for the purpose of sale, transporting, or shipping for the purpose of sale, barter, or exchange a shark fin regardless of where the shark was taken or caught.

(c) Authorizes a person to buy or offer 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 carcass that retains all of its fins naturally attached to the carcass through some portion of uncut skin.

(d) 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.

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

(f) Authorizes a person to possess a shark fin if:

(1) the person holds the appropriate state or federal license or permit authorizing the taking or landing of a shark for recreational or commercial purposes;

(2) the shark fin is taken from a shark that the person has taken or landed; and

(3) the shark fin is taken in a manner consistent with the person's license.

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 the defendant on conviction to be punished for a Class A Parks and Wildlife Code misdemeanor 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.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: July 1, 2016.