

BILL ANALYSIS

H.B. 1579
By: Lucio III
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1579 amends the Parks and Wildlife Code to prohibit 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. The bill 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. The bill authorizes the Parks and Wildlife Department (TPWD) to issue a permit for the possession, transport, sale, or purchase of shark fins for a bona fide scientific research purpose. The bill requires a warden or other peace officer to seize and hold the shark fin as evidence when a person is charged with violating these prohibitions and requires TPWD to destroy the shark fin on a final court ruling. The bill defines "shark fin" as the fresh and uncooked, or cooked, frozen, dried, or otherwise processed, detached fin or tail of a shark.

H.B. 1579 makes it a Class B Parks and Wildlife Code misdemeanor to violate the bill's prohibitions relating to the sale or purchase of shark fins or an adopted proclamation relating to those prohibitions and enhances the penalty to a Class A Parks and Wildlife Code misdemeanor for a subsequent conviction of such a violation within five years of the trial date of the violation.

H.B. 1579 removes the possession of shark that has the tail removed as an exception to the prohibition against possessing a finfish taken from coastal water 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.

EFFECTIVE DATE

July 1, 2016.