

By: Lucio III

H.B. No. 1579

A BILL TO BE ENTITLED

AN ACT

relating to the sale and purchase of shark fins or products derived from shark fins; creating a criminal offense.

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

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

Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) No person may possess a finfish of any species taken from coastal water, except broadbill swordfish, shark, or ~~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.

(b) 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.

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

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

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

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

1 cooked, frozen, dried, or otherwise processed, detached fin or tail
2 of a 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 regardless of where
6 the shark was taken or caught.

7 (c) A person may buy or offer to buy, sell or offer to sell,
8 possess for the purpose of sale, transport, or ship for the purpose
9 of sale, barter, or exchange a shark carcass that retains all of its
10 fins naturally attached to the carcass through some portion of
11 uncut skin.

12 (d) Notwithstanding Subsection (b), the department may
13 issue a permit for the possession, transport, sale, or purchase of
14 shark fins for a bona fide scientific research purpose.

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

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

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

24 (d) If it is shown at the trial for a violation of Section
25 66.2161 or a proclamation adopted under that section that the
26 defendant has been convicted within five years before the trial
27 date of a violation of that section, on conviction the defendant

1 shall be punished for a Class A Parks and Wildlife Code misdemeanor.

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

10 SECTION 5. This Act takes effect July 1, 2016.