

1-1 By: Lucio III, et al. (Senate Sponsor - Lucio) H.B. No. 1579
1-2 (In the Senate - Received from the House April 20, 2015;
1-3 May 4, 2015, read first time and referred to Committee on
1-4 Agriculture, Water, and Rural Affairs; May 24, 2015, reported
1-5 favorably by the following vote: Yeas 5, Nays 1; May 24, 2015, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	X			
1-10			X	
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the sale and purchase of shark fins or products derived
1-19 from shark fins; creating a criminal offense.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section [66.216](#), Parks and Wildlife Code, is
1-22 amended to read as follows:

1-23 Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) No
1-24 person may possess a finfish of any species taken from coastal
1-25 water, except broadbill swordfish, shark, or ~~and~~ king mackerel,
1-26 that has the head ~~or tail~~ removed unless the fish has been finally
1-27 processed and delivered to the final destination or to a certified
1-28 wholesale or retail dealer.

1-29 (b) No person may possess a finfish of any species taken
1-30 from coastal water, except broadbill swordfish or king mackerel,
1-31 that has the tail removed unless the fish has been finally processed
1-32 and delivered to the final destination or to a certified wholesale
1-33 or retail dealer.

1-34 SECTION 2. Subchapter C, Chapter 66, Parks and Wildlife
1-35 Code, is amended by adding Section 66.2161 to read as follows:

1-36 Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) In this
1-37 section:

1-38 (1) "Shark" means any species of the subclass
1-39 Elasmobranchii.

1-40 (2) "Shark fin" means the fresh and uncooked, or
1-41 cooked, frozen, dried, or otherwise processed, detached fin or tail
1-42 of a shark.

1-43 (b) A person may not buy or offer to buy, sell or offer to
1-44 sell, possess for the purpose of sale, transport, or ship for the
1-45 purpose of sale, barter, or exchange a shark fin regardless of where
1-46 the shark was taken or caught.

1-47 (c) A person may buy or offer to buy, sell or offer to sell,
1-48 possess for the purpose of sale, transport, or ship for the purpose
1-49 of sale, barter, or exchange a shark carcass that retains all of its
1-50 fins naturally attached to the carcass through some portion of
1-51 uncut skin.

1-52 (d) Notwithstanding Subsection (b), the department may
1-53 issue a permit for the possession, transport, sale, or purchase of
1-54 shark fins for a bona fide scientific research purpose.

1-55 (e) When a person is charged with violating this section,
1-56 the warden or other peace officer shall seize and hold the shark fin
1-57 as evidence. Notwithstanding Section [12.109](#), on a final court
1-58 ruling, the department shall destroy the shark fin.

1-59 (f) A person may possess a shark fin if:

1-60 (1) the person holds the appropriate state or federal
1-61 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. Section 66.218, Parks and Wildlife Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) 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) 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, on conviction the defendant shall be punished for a Class A Parks and Wildlife Code misdemeanor.

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

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

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