

Amend **HB 51** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 76.118, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsections (e-2) and (e-3) to read as follows:

(a) Except as provided in Subsections (b), ~~[and] (c), (e-2), and (e-3) [of this section]~~, a person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(e-2) If it is shown at the trial of a defendant, including the captain of a commercial oyster boat, a member of the crew of a commercial oyster boat, or a person who purchases oysters from the captain or a member of the crew of a commercial oyster boat, for a violation of a statute or a regulation adopted relating to oyster size that the defendant has been convicted once in the oyster season in which the offense under trial was allegedly committed of a violation of a statute or a regulation adopted relating to oyster size, the defendant is guilty of a Class B Parks and Wildlife Code misdemeanor.

(e-3) If it is shown at the trial of a defendant, including the captain of a commercial oyster boat, a member of the crew of a commercial oyster boat, or a person who purchases oysters from the captain or a member of the crew of a commercial oyster boat, for a violation of a statute or a regulation adopted relating to oyster size that the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters were less than three inches in length along an imaginary straight line through the long axis of the shell, the defendant is guilty of a Class B Parks and Wildlife Code misdemeanor.

SECTION _____. Subchapter C, Chapter 76, Parks and Wildlife Code, is amended by adding Section 76.1181 to read as follows:

Sec. 76.1181. SUSPENSION OF LICENSE. (a) For purposes of this section, "final conviction" includes a plea of guilty or nolo contendere to or the imposition of deferred adjudication for an offense.

(b) On final conviction for an offense punishable under Section 76.118(e-3), the commercial oyster boat license of the boat used in the commission of the violation is suspended for 30 days.

(c) On final conviction for an offense punishable under Section 76.118(e-3), the commercial oyster boat captain's license of the captain of the boat used in the commission of the violation is suspended for 30 days. During the period of suspension, the holder of the suspended license may not purchase a general commercial fisherman's license or a commercial oyster fisherman's license.

(d) On final conviction for an offense punishable under Section 76.118(e-3), the general commercial fisherman's license of a person who committed the violation, including the captain of a commercial oyster boat, a member of the crew of a commercial oyster boat, or a person who purchases oysters from the captain or a member of the crew of a commercial oyster boat, is suspended for 30 days. During the suspension period, the holder of the suspended license may not purchase a commercial oyster boat captain's license or a commercial oyster fisherman's license.

(e) On final conviction for an offense punishable under Section 76.118(e-3), any license issued by the department to a person that purchases oysters is suspended for 30 days. During the suspension period, the holder of the suspended license may not purchase a license issued by the department allowing the taking or purchase of oysters.

(f) A suspension period described by this section must be served during the public oyster season in which the violation occurred, unless less than 30 days remain in the public oyster season, in which case the suspension must be served at the beginning of the next public oyster season.