

Amend HB 51 (senate committee report) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, lines 9-10), strike "(e-2) and (e-3)" and substitute "(e-2), (e-3), (e-4), and (e-5)".

(2) In SECTION 3 of the bill, strike added Sections 76.118(e-2) and (e-3), Parks and Wildlife Code (page 2, line 16 through page 2, line 35), and substitute the following:

(e-2) The punishment for an offense otherwise punishable under Subsection (a) is a Class B Parks and Wildlife misdemeanor if it is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size; and

(3) the defendant has previously been convicted at least twice for a violation of a provision or regulation relating to oyster size.

(e-3) The punishment for an offense otherwise punishable under Subsection (a) is a Class C Parks and Wildlife misdemeanor, with an attendant license suspension under Section 76.1181, if it is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell; and

(3) the defendant has previously been convicted one time for a violation of a provision or regulation relating to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell.

(e-4) The punishment for an offense otherwise punishable under Subsection (a) is a Class B Parks and Wildlife misdemeanor, with an attendant license suspension under Section 76.1181, if it

is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell; and

(3) the defendant has previously been convicted at least two times for a violation of a provision or regulation relating to oyster size and the defendant during both offenses was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell.

(e-5) It is a defense to prosecution under Subsection (a) for a violation of a statute or regulation adopted relating to oyster size that the defendant is a person who purchased oysters from the captain or a member of the crew of a commercial oyster boat and the purchaser was in possession of a cargo of oysters in which less than 30 percent of the oysters were less than three inches in length along an imaginary straight line through the long axis of the shell.

(3) In SECTION 4 of the bill, in added Section 76.1181(e), Parks and Wildlife Code (page 2, line 62), between "for" and "an", insert "the third offense within five years of the commission of".

(4) In SECTION 4 of the bill, in added Section 76.1181(b), Parks and Wildlife Code (page 2, line 43), between "(e-3)" and the underlined comma, insert "or (e-4)".

(5) In SECTION 4 of the bill, in added Section 76.1181(c), Parks and Wildlife Code (page 2, line 46), between "(e-3)" and the underlined comma, insert "or (e-4)".

(6) In SECTION 4 of the bill, in added Section 76.1181(d), Parks and Wildlife Code (page 2, line 53), between "(e-3)" and the underlined comma, insert "or (e-4)".

(7) In SECTION 4 of the bill, in added Section 76.1181(d-1), Parks and Wildlife Code (page 2, line 59), between "(e-3)" and the underlined comma, insert "or (e-4)".

(8) In SECTION 4 of the bill, in added Section 76.1181(e), Parks and Wildlife Code (page 2, line 63), strike "(e-3)" and substitute ", for a violation of a provision or regulation relating to oyster size in which the conviction was for possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell".

(9) In SECTION 5 of the bill, in added Section 76.119(d), Parks and Wildlife Code (page 3, lines 24 and 25), strike ", 76.112, or 76.116" and substitute "or 76.112".