

BILL ANALYSIS

H.B. 1828
By: Martinez
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that the issuance of penalties for unlawful aquatic products on a per fish basis is an insufficient deterrent due to factors like heavy local docket loads and loose enforcement. It has been suggested that having penalties based on the weight of the aquatic products would be more efficient. H.B. 1828 seeks to address this issue by providing for an offense relating to the unlawful commercial sale or purchase of aquatic products with applicable penalties.

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. 1828 amends the Parks and Wildlife Code to create an offense for a person who purchases for resale or receives for sale, barter, exchange, transport, or any other commercial purpose aquatic products that are taken, possessed, transported, or sold in violation of a federal or state law or regulation. The bill establishes penalties for the offense ranging from a Class B Parks and Wildlife Code misdemeanor to a Parks and Wildlife Code state jail felony depending on the weight of the aquatic products. The bill authorizes prosecution of the offense in the county in which the aquatic products were unlawfully taken, possessed, transported, or sold or in any county through or into which the aquatic products were taken or transported. When aquatic products are unlawfully obtained under one scheme or continuing course of conduct, whether from the same or several sources, the scheme or conduct may be considered as one offense and the weight of the aquatic products aggregated in determining the grade of the offense.

EFFECTIVE DATE

September 1, 2019.