

## **BILL ANALYSIS**

Senate Research Center  
86R6072 AAF-F

S.B. 899  
By: Fallon  
Water & Rural Affairs  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, penalties for the illegal harvest of finfish are not strong enough to deter people from committing these crimes. In April of 2017, a case made by the Texas game wardens in Houston, Harris County, showed an individual allegedly funneling 28,000 pounds of unlawfully purchased aquatic products (mainly red snapper) through restaurants he owned to serve to customers as an 'off the menu' item. His profit made from all the illegal aquatic products was estimated at over a quarter million dollars. The penalties that could be assessed were only Class C misdemeanors and merely written off as a cost of doing business.

S.B. 899 would allow for penalty ranges from a Class C misdemeanor to a state jail felony depending on the poundage of aquatic products sold in the transaction and would allow for one criminal case with the appropriate fine range to be filed for the illegal sale of product. This would actually deter fishermen and purchasers from selling or purchasing illegally caught fish.

- 10–50 pounds would increase to a Class B misdemeanor with a minimum fine of \$500;
- 50–100 pounds would be a Class B misdemeanor with a minimum fine of \$1,000;
- 100–200 pounds would increase to a Class A misdemeanor with a minimum fine of \$1,500;
- 200–300 pounds would be a Class A misdemeanor with a minimum fine of \$2,000;
- 300–500 pounds would be a state jail felony with a minimum fine of \$3,000; and
- 500 pounds and above be a state jail felony with a minimum fine of \$4,000.

As proposed, S.B. 899 amends current law relating to prohibiting the sale and purchase of certain aquatic products; creates a criminal offense; and increases a criminal penalty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 47, Parks and Wildlife Code, by adding Section 47.0121, as follows:

Sec. 47.0121. UNLAWFUL COMMERCIAL SALE OR PURCHASE OF AQUATIC PRODUCTS. Provides that a person commits an offense if the person 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.

SECTION 2. Amends Section 47.051, Parks and Wildlife Code, as follows:

Sec. 47.051. PENALTY. Provides that except as provided by Sections 47.052 (Penalty) and 47.053, rather than provided by Section 47.052 of this code, a person who violates a provision of this chapter (Commercial Fishing Licenses) commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 3. Amends Subchapter C, Chapter 47, Parks and Wildlife Code, by adding Section 47.053, as follows:

Sec. 47.053. PENALTY. (a) Provides that a person who violates or fails to comply with Section 47.0121 commits an offense that is:

(1) a Class B Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$500 if the weight of the aquatic products totals 10 pounds or more but less than 50 pounds; or

(B) \$1,000 if the weight of the aquatic products totals 50 pounds or more but less than 100 pounds;

(2) a Class A Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$1,500 if the weight of the aquatic products totals 100 pounds or more but less than 200 pounds; or

(B) \$2,000 if the weight of the aquatic products totals 200 pounds or more but less than 300 pounds; or

(3) a Parks and Wildlife Code state jail felony for which, in addition to confinement, the person may be punished by a fine of at least:

(A) \$3,000 if the weight of the aquatic products totals 300 pounds or more but less than 500 pounds; or

(B) \$4,000 if the weight of the aquatic products totals 500 pounds or more.

(b) Authorizes an offense under this section to be prosecuted 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.

(c) Authorizes the scheme or conduct, when aquatic products are obtained in violation of Section 47.0121 under one scheme or continuing course of conduct, to be considered as one offense and the weight of the aquatic products aggregated in determining the grade of the offense.

SECTION 4. Makes application of this Act prospective. Provides that 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. Effective date: September 1, 2019.