

AN ACT

relating to prohibiting the sale and purchase of certain aquatic products; creating a criminal offense; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 47, Parks and Wildlife Code, is amended by adding Section 47.0121 to read as follows:

Sec. 47.0121. UNLAWFUL COMMERCIAL SALE OR PURCHASE OF AQUATIC PRODUCTS. (a) 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.

(b) It is an affirmative defense to prosecution under this section that the person:

(1) had no reason to believe at the time the offense was committed that the aquatic products purchased for resale or received for sale, barter, exchange, transport, or any other commercial purpose were taken, possessed, transported, or sold in violation of a federal or state law or regulation; and

(2) purchased or received the aquatic products described by Subdivision (1) from a seller who had a valid commercial license to sell aquatic products.

SECTION 2. Section 47.051, Parks and Wildlife Code, is

1 amended to read as follows:

2 Sec. 47.051. PENALTY. Except as provided by Sections
3 ~~[Section]~~ 47.052 and 47.053 [of this code], a person who violates a
4 provision of this chapter commits an offense that is a Class C Parks
5 and Wildlife Code misdemeanor.

6 SECTION 3. Subchapter C, Chapter 47, Parks and Wildlife
7 Code, is amended by adding Section 47.053 to read as follows:

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

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

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

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

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

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

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

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

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

27 (B) \$4,000 if the weight of the aquatic products

1 totals 500 pounds or more.

2 (b) An offense under this section may be prosecuted in the
3 county in which the aquatic products were unlawfully taken,
4 possessed, transported, or sold or in any county through or into
5 which the aquatic products were taken or transported.

6 (c) When aquatic products are obtained in violation of
7 Section 47.0121 under one scheme or continuing course of conduct,
8 whether from the same or several sources, the scheme or conduct may
9 be considered as one offense and the weight of the aquatic products
10 aggregated in determining the grade of the offense.

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

19 SECTION 5. This Act takes effect September 1, 2019.

H.B. No. 1828

President of the Senate

Speaker of the House

I certify that H.B. No. 1828 was passed by the House on April 12, 2019, by the following vote: Yeas 113, Nays 28, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1828 on May 13, 2019, by the following vote: Yeas 121, Nays 18, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1828 was passed by the Senate, with amendments, on May 10, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor