

1-1 By: Martinez (Senate Sponsor - Fallon) H.B. No. 1828
1-2 (In the Senate - Received from the House April 15, 2019;
1-3 April 16, 2019, read first time and referred to Committee on Water
1-4 & Rural Affairs; May 1, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 1, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Perry	X		
1-10	Creighton	X		
1-11	Alvarado	X		
1-12	Johnson	X		
1-13	Kolkhorst	X		
1-14	Rodríguez	X		
1-15	Taylor	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1828 By: Creighton

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to prohibiting the sale and purchase of certain aquatic
1-20 products; creating a criminal offense; increasing a criminal
1-21 penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 47, Parks and Wildlife
1-24 Code, is amended by adding Section 47.0121 to read as follows:

1-25 Sec. 47.0121. UNLAWFUL COMMERCIAL SALE OR PURCHASE OF
1-26 AQUATIC PRODUCTS. (a) A person commits an offense if the person
1-27 purchases for resale or receives for sale, barter, exchange,
1-28 transport, or any other commercial purpose aquatic products that
1-29 are taken, possessed, transported, or sold in violation of a
1-30 federal or state law or regulation.

1-31 (b) It is an affirmative defense to prosecution under this
1-32 section that the person:

1-33 (1) had no reason to believe at the time the offense
1-34 was committed that the aquatic products purchased for resale or
1-35 received for sale, barter, exchange, transport, or any other
1-36 commercial purpose were taken, possessed, transported, or sold in
1-37 violation of a federal or state law or regulation; and

1-38 (2) purchased or received the aquatic products
1-39 described by Subdivision (1) from a seller who had a valid
1-40 commercial license to sell aquatic products.

1-41 SECTION 2. Section 47.051, Parks and Wildlife Code, is
1-42 amended to read as follows:

1-43 Sec. 47.051. PENALTY. Except as provided by Sections
1-44 [Section] 47.052 and 47.053 [of this code], a person who violates a
1-45 provision of this chapter commits an offense that is a Class C Parks
1-46 and Wildlife Code misdemeanor.

1-47 SECTION 3. Subchapter C, Chapter 47, Parks and Wildlife
1-48 Code, is amended by adding Section 47.053 to read as follows:

1-49 Sec. 47.053. PENALTY. (a) A person who violates or fails
1-50 to comply with Section 47.0121 commits an offense that is:

1-51 (1) a Class B Parks and Wildlife Code misdemeanor
1-52 punishable by a fine of at least:

1-53 (A) \$500 if the weight of the aquatic products
1-54 totals 10 pounds or more but less than 50 pounds; or

1-55 (B) \$1,000 if the weight of the aquatic products
1-56 totals 50 pounds or more but less than 100 pounds;

1-57 (2) a Class A Parks and Wildlife Code misdemeanor
1-58 punishable by a fine of at least:

1-59 (A) \$1,500 if the weight of the aquatic products
1-60 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) An offense under this section may 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) When aquatic products are obtained in violation of Section 47.0121 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.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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. This Act takes effect September 1, 2019.

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