

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	<u>Perry</u>	X		
1-10	<u>Creighton</u>	X		
1-11	<u>Alvarado</u>	X		
1-12	<u>Johnson</u>	X		
1-13	<u>Kolkhorst</u>	X		
1-14	<u>Rodríguez</u>	X		
1-15	<u>Taylor</u>	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

2-1 (B) \$2,000 if the weight of the aquatic products  
2-2 totals 200 pounds or more but less than 300 pounds; or

2-3 (3) a Parks and Wildlife Code state jail felony for  
2-4 which, in addition to confinement, the person may be punished by a  
2-5 fine of at least:

2-6 (A) \$3,000 if the weight of the aquatic products  
2-7 totals 300 pounds or more but less than 500 pounds; or

2-8 (B) \$4,000 if the weight of the aquatic products  
2-9 totals 500 pounds or more.

2-10 (b) An offense under this section may be prosecuted in the  
2-11 county in which the aquatic products were unlawfully taken,  
2-12 possessed, transported, or sold or in any county through or into  
2-13 which the aquatic products were taken or transported.

2-14 (c) When aquatic products are obtained in violation of  
2-15 Section 47.0121 under one scheme or continuing course of conduct,  
2-16 whether from the same or several sources, the scheme or conduct may  
2-17 be considered as one offense and the weight of the aquatic products  
2-18 aggregated in determining the grade of the offense.

2-19 SECTION 4. The change in law made by this Act applies only  
2-20 to an offense committed on or after the effective date of this Act.  
2-21 An offense committed before the effective date of this Act is  
2-22 governed by the law in effect on the date the offense was committed,  
2-23 and the former law is continued in effect for that purpose. For  
2-24 purposes of this section, an offense was committed before the  
2-25 effective date of this Act if any element of the offense occurred  
2-26 before that date.

2-27 SECTION 5. This Act takes effect September 1, 2019.

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