1-1 By: Fallon   S.B. No. 899
1-2   (In the Senate - Filed March 1, 2019; March 1, 2019, read
1-3 first time and referred to Committee on Water & Rural Affairs;
1-4 April 11, 2019, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 11, 2019, sent to printer.)

1-15   A BILL TO BE ENTITLED
1-16   AN ACT

1-17 relating to prohibiting the sale and purchase of certain aquatic
1-18 products; creating a criminal offense; increasing a criminal
1-19 penalty.
1-20   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21   SECTION 1. Subchapter A, Chapter 47, Parks and Wildlife
1-22 Code, is amended by adding Section 47.0121 to read as follows:
1-23   Sec. 47.0121. UNLAWFUL COMMERCIAL SALE OR PURCHASE OF
1-24 AQUATIC PRODUCTS.   A person commits an offense if the person
1-25 purchases for resale or receives for sale, barter, exchange,
1-26 transport, or any other commercial purpose aquatic products that
1-27 are taken, possessed, transported, or sold in violation of a
1-28 federal or state law or regulation.
1-29   SECTION 2. Section 47.051, Parks and Wildlife Code, is
1-30 amended to read as follows:
1-31   Sec. 47.051. PENALTY.   Except as provided by Sections
1-32 [Section] 47.052 and 47.053 [of this code], a person who violates a
1-33 provision of this chapter commits an offense that is a Class C Parks
1-34 and Wildlife Code misdemeanor.
1-35   SECTION 3. Subchapter C, Chapter 47, Parks and Wildlife
1-36 Code, is amended by adding Section 47.053 to read as follows:
1-37   Sec. 47.053. PENALTY. (a) A person who violates or fails
1-38 to comply with Section 47.0121 commits an offense that is:
1-39   (1) a Class B Parks and Wildlife Code misdemeanor
1-40 punishable by a fine of at least:
1-41   (A) $500 if the weight of the aquatic products
1-42 totals 10 pounds or more but less than 50 pounds; or
1-43   (B) $1,000 if the weight of the aquatic products
1-44 totals 50 pounds or more but less than 100 pounds;
1-45   (2) a Class A Parks and Wildlife Code misdemeanor
1-46 punishable by a fine of at least:
1-47   (A) $1,500 if the weight of the aquatic products
1-48 totals 100 pounds or more but less than 200 pounds; or
1-49   (B) $2,000 if the weight of the aquatic products
1-50 totals 200 pounds or more but less than 300 pounds; or
1-51   (3) a Parks and Wildlife Code state jail felony for
1-52 which, in addition to confinement, the person may be punished by a
1-53 fine of at least:
1-54   (A) $3,000 if the weight of the aquatic products
1-55 totals 300 pounds or more but less than 500 pounds; or
1-56   (B) $4,000 if the weight of the aquatic products
1-57 totals 500 pounds or more.
1-58   (b) An offense under this section may be prosecuted in the
1-59 county in which the aquatic products were unlawfully taken,
1-60 possessed, transported, or sold or in any county through or into
1-61 which the aquatic products were taken or transported.

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2-1   (c) When aquatic products are obtained in violation of
2-2 Section 47.0121 under one scheme or continuing course of conduct,
2-3 whether from the same or several sources, the scheme or conduct may
2-4 be considered as one offense and the weight of the aquatic products
2-5 aggregated in determining the grade of the offense.
2-6   SECTION 4. The change in law made by this Act applies only
2-7 to an offense committed on or after the effective date of this Act.
2-8 An offense committed before the effective date of this Act is
2-9 governed by the law in effect on the date the offense was committed,
2-10 and the former law is continued in effect for that purpose. For
2-11 purposes of this section, an offense was committed before the
2-12 effective date of this Act if any element of the offense occurred
2-13 before that date.
2-14   SECTION 5. This Act takes effect September 1, 2019.

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