

BILL ANALYSIS

H.B. 2321
By: Morrison
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current penalties for certain offenses involving the unauthorized harvesting of oysters, especially from closed areas, are too lenient, as many illegal harvesters treat any resulting fines as simply a minimal cost of doing business. H.B. 2321 seeks to address this issue by increasing and enhancing certain penalties related to harvesting oysters.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2321 amends the Parks and Wildlife Code to revise penalties relating to oyster licenses by:

- changing the circumstances under which a person who violates certain oyster harvesting offenses commits a Class A Parks and Wildlife Code misdemeanor from violating prohibitions against harvesting oysters from a restricted area or at the same time violating the prohibition against night dredging to violating the former and the latter in the same criminal episode or violating the latter and a prohibition against harvesting oysters from a closed area in the same criminal episode and making related changes to the Parks and Wildlife felony involving these violations;
- enhancing the penalty for an offense relating to oyster size or the harvest of oysters from a closed area to a Class B Parks and Wildlife Code misdemeanor for two previous convictions for either such violation;
- enhancing the penalty for an offense related to the harvest of oysters from a closed area or involving the possession of a cargo of oysters of a specified amount and size to a Class B Parks and Wildlife Code misdemeanor for a previous conviction for either such offense;
- removing certain penalties for a commercial oyster boat captain or crew member who violates a provision or regulation relating to oyster size and increasing the penalty for such a person who commits such a violation, was in possession of a cargo of oysters of a specified amount and size, and has two related previous convictions from a Class B Parks and Wildlife misdemeanor to a Class A Parks and Wildlife Code misdemeanor; and
- including a violation of a provision or regulation relating to the harvest of oysters from a closed area as a violation that, when committed by such a captain or crew member with

two previous related convictions, constitutes that Class A Parks and Wildlife Code misdemeanor.

EFFECTIVE DATE

September 1, 2019.