

- SUBJECT:** Prohibiting the purchase of certain aquatic products
- COMMITTEE:** Culture, Recreation and Tourism — favorable, without amendment
- VOTE:** 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis Johnson, Kacal, Morrison, Toth
- WITNESSES:** For — Shane Bonnot, Coastal Conservation Association; John Shepperd, Texas Foundation for Conservation, Texas Coalition for Conservation; (*Registered, but did not testify:* David Sinclair, Game Warden Peace Officers Association)
- Against — None
- On — Les Casterline, Texas Parks and Wildlife Department
- BACKGROUND:** Under Parks and Wildlife Code sec. 47.012, no restaurant owner, operator, or employee may purchase for consumption by the restaurant's patrons on the premises any aquatic product from a person or entity in the state unless the person purchases it from the holder of a:
- wholesale fish dealer's license;
  - general commercial fisherman's license;
  - fish farmer's license;
  - commercial shrimp boat license;
  - commercial shrimp boat captain's license;
  - commercial crab fisherman's license;
  - commercial finfish fisherman's license; or
  - commercial gulf shrimp unloading license.
- Any person who violates the provision mentioned commits a class C Parks and Wildlife Code misdemeanor (fine of \$25 to \$500).
- DIGEST:** HB 1828 would make it a criminal offense for any person to purchase for resale or receive for sale or any other commercial purpose aquatic

products that were taken, possessed, transported, or sold in violation of a federal or state law or regulation.

The severity of the offense and resulting fine or penalty would depend on the weight of the aquatic product unlawfully obtained. An offense committed under the bill could be a class B Parks and Wildlife Code misdemeanor, a class A Parks and Wildlife Code misdemeanor, or a Parks and Wildlife Code state jail felony, with the amount of the fine depending on the weight of the aquatic products as specified in the bill. A state jail felony could be punished by confinement in addition to a fine.

An offense created by the bill could 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.

If the aquatic products were unlawfully obtained by one or several sources under a single scheme or continuing course of conduct, the bill would allow for the scheme or conduct to be considered as one offense. The weight of the products obtained under the conduct could be aggregated in determining the grade of the offense.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.

**SUPPORTERS  
SAY:**

HB 1828 would address the illegal commercial trade of unlawfully obtained aquatic products by strengthening existing penalties and creating criminal offenses. Although a class C misdemeanor penalty already exists to address this unlawful practice, it has proved ineffective for deterring or punishing perpetrators who willingly and knowingly were involved in purchasing unauthorized aquatic products.

The bill would not change the Texas Park and Wildlife (TPWD) practice of providing fish-purchasing entities with a list of license holders from whom the entities were allowed to purchase fish or TPWD's ability to issue warnings to offenders.

OPPONENTS  
SAY:

HB 1828 could penalize restaurants or other entities in the market for aquatic products that were not aware the fish they had purchased had been obtained unlawfully.