

BILL ANALYSIS

Senate Research Center
86R11121 SLB-F

H.B. 2038
By: Darby (Flores)
Water & Rural Affairs
5/11/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been reported that the unpermitted taking or disturbing of marl, sand, gravel, shell, and mudshell has increased in the state's oyster beds and fishing waters and that the Parks and Wildlife Department needs additional tools to deter such illegal activity. H.B. 2038 seeks to increase the criminal penalty for such illegal activities in the state's oyster beds and fishing waters.

H.B. 2038 amends current law relating to certain offenses relating to disturbing or taking marl, sand, gravel, shell, or mudshell or disturbing oyster beds or fishing waters, and increases the criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 86.022, Parks and Wildlife Code, as follows:

Sec. 86.022. PENALTY. (a) Creates this subsection from existing text. Provides that a person who violates Section 86.002 (Permit Required; Penalty), rather than Section 86.002 or 86.018 (Taking From Certain Areas Prohibited) commits an offense that is a Class B, rather than C, Parks and Wildlife Code misdemeanor.

(b) Provides that a person who violates Section 86.018 commits an offense that is a class C Parks and Wildlife Code misdemeanor.

SECTION 2. Makes application of this Act prospective. Provides that, 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 3. Effective date: upon passage or September 1, 2019.