

AN ACT

relating to the sale and purchase of shark fins or products derived from shark fins; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 66.216, Parks and Wildlife Code, is amended to read as follows:

Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) No person may possess a finfish of any species taken from coastal water, except broadbill swordfish, shark, or ~~and~~ king mackerel, that has the head ~~or tail~~ removed unless the fish has been finally processed and delivered to the final destination or to a certified wholesale or retail dealer.

(b) No person may possess a finfish of any species taken from coastal water, except broadbill swordfish or king mackerel, that has the tail removed unless the fish has been finally processed and delivered to the final destination or to a certified wholesale or retail dealer.

SECTION 2. Subchapter C, Chapter 66, Parks and Wildlife Code, is amended by adding Section 66.2161 to read as follows:

Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) In this section:

(1) "Shark" means any species of the subclass Elasmobranchii.

(2) "Shark fin" means the fresh and uncooked, or

1 cooked, frozen, dried, or otherwise processed, detached fin or tail
2 of a shark.

3 (b) A person may not buy or offer to buy, sell or offer to
4 sell, possess for the purpose of sale, transport, or ship for the
5 purpose of sale, barter, or exchange a shark fin regardless of where
6 the shark was taken or caught.

7 (c) A person may buy or offer to buy, sell or offer to sell,
8 possess for the purpose of sale, transport, or ship for the purpose
9 of sale, barter, or exchange a shark carcass that retains all of its
10 fins naturally attached to the carcass through some portion of
11 uncut skin.

12 (d) Notwithstanding Subsection (b), the department may
13 issue a permit for the possession, transport, sale, or purchase of
14 shark fins for a bona fide scientific research purpose.

15 (e) When a person is charged with violating this section,
16 the warden or other peace officer shall seize and hold the shark fin
17 as evidence. Notwithstanding Section 12.109, on a final court
18 ruling, the department shall destroy the shark fin.

19 (f) A person may possess a shark fin if:

20 (1) the person holds the appropriate state or federal
21 license or permit authorizing the taking or landing of a shark for
22 recreational or commercial purposes;

23 (2) the shark fin is taken from a shark that the person
24 has taken or landed; and

25 (3) the shark fin is taken in a manner consistent with
26 the person's license.

27 SECTION 3. Section 66.218, Parks and Wildlife Code, is

1 amended by adding Subsections (c) and (d) to read as follows:

2 (c) A person who violates Section 66.2161 or a proclamation
3 adopted under that section commits an offense that is a Class B
4 Parks and Wildlife Code misdemeanor.

5 (d) If it is shown at the trial for a violation of Section
6 66.2161 or a proclamation adopted under that section that the
7 defendant has been convicted within five years before the trial
8 date of a violation of that section, on conviction the defendant
9 shall be punished for a Class A Parks and Wildlife Code misdemeanor.

10 SECTION 4. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 5. This Act takes effect July 1, 2016.

H.B. No. 1579

President of the Senate

Speaker of the House

I certify that H.B. No. 1579 was passed by the House on April 16, 2015, by the following vote: Yeas 116, Nays 28, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1579 was passed by the Senate on May 27, 2015, by the following vote: Yeas 24, Nays 7.

Secretary of the Senate

APPROVED: _____

Date

Governor