

By: Lucio III, Wu, Isaac, Anderson of Dallas,  
Villalba, et al.

H.B. No. 1579

A BILL TO BE ENTITLED

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.