

## **BILL ANALYSIS**

Senate Research Center  
83R16756 SGA-F

H.B. 852  
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Natural Resources  
5/10/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Shark fins are sold around the world, and observers note that this product can demand up to \$700 per pound in some countries. Interested parties contend that the practice of acquiring fins, known as shark finning, is inhumane and results in high numbers of dead sharks as a result of the preferred method of shark finning, which involves catching the sharks, removing the fins, and then throwing the sharks back into the ocean because far more fins can fit on a boat than full sharks. These parties have also expressed concern that overfishing is leading to the depletion of shark populations, which negatively affects the ocean's ecosystem. Although the practice of shark finning already is illegal under federal law, H.B. 852 seeks to complement existing federal and state law by establishing restrictions relating to the sale or purchase of shark fins and relating to the possession of sharks that have the tail removed.

H.B. 852 amends current law relating to the sale and purchase of shark fins or products derived from shark fins and creates an offense.

### **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 66.216, Parks and Wildlife Code, as follows:

Sec. 66.216. POSSESSION OF HEADED OR TAILED FISH. (a) Creates this subsection from existing text. Provides that no person is authorized to possess a finfish of any species taken from coastal water, except broadbill swordfish, shark, or king mackerel, rather than except broadbill swordfish, shark, and king mackerel, that has the head removed, rather than 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) Provides that no person is authorized to 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. Amends Subchapter C, Chapter 66, Parks and Wildlife Code, by adding Section 66.2161, as follows:

Sec. 66.2161. SALE OR PURCHASE OF SHARK FINS. (a) Defines, in this section, "shark" and "shark fin."

(b) Prohibits a person from buying or offering to buy, sell or offer to sell, possess for the purpose of sale, transport, or ship for the purpose of sale, barter, or exchange a shark fin.

(c) Provides that, except as provided by Subsection (d), this section applies to the possession or transportation of any shark fin with the intent to sell the fin

regardless of where the shark was taken or caught and the sale or purchase of any shark fin regardless of where the shark was taken or caught.

(d) Provides that this section does not apply to the possession or transportation in this state of a shark fin taken or caught outside this state and transported from a point outside this state by common carrier without being unloaded in this state to a point of delivery outside this state.

(e) Authorizes the Texas Parks and Wildlife Department (TPWD), notwithstanding Subsection (b), to issue a permit for the possession, transport, sale, or purchase of shark fins for a bona fide scientific research purpose.

(f) Requires the warden or other peace officer, when a person is charged with violating this section, to seize and hold the shark fin as evidence. Requires TPWD, notwithstanding Section 12.109 (Confiscation and Disposition of Aquatic Products), on a final court ruling, to destroy the shark fin.

SECTION 3. Amends Section 66.218, Parks and Wildlife Code, by adding Subsections (c) and (d), as follows:

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

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

SECTION 4. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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 5. Effective date: July 1, 2014.