

## **BILL ANALYSIS**

H.B. 2038  
By: Darby  
Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2038 amends the Parks and Wildlife Code to increase from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor the penalty for violating the prohibition against a person disturbing or taking marl, sand, gravel, shell, or mudshell under the management and protection of the Parks and Wildlife Commission or operating in or disturbing any oyster bed or fishing water for any purpose other than that necessary or incidental to navigation or dredging under state or federal authority without first having acquired from the commission a permit authorizing the activity.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.