

- SUBJECT:** Revising standards for fraud committed at fishing tournaments
- COMMITTEE:** Culture, Recreation, and Tourism — favorable, without amendment
- VOTE:** 6 ayes — Guillen, T. King, Kuempel, Larson, Price, T. Smith
1 nay — Elkins
2 absent — Deshotel, Dukes
- WITNESSES:** For — (*Registered, but did not testify:* Joey Park, Coastal Conservation Association)
Against — None
On — Robert Goodrich, Kurt Kelley, Texas Parks and Wildlife Department
- BACKGROUND:** Parks and Wildlife Code, sec. 66.119 prohibits fraud in freshwater fishing tournaments. A fishing tournament involves a contest in which a prize is awarded based on the weight, length, number, type, or other criteria applicable to the freshwater fish caught.
- A person commits an offense if, with intent to affect the outcome of a fishing tournament, the person:
- provides, sells, or offers a fish from another person for the purpose of representing that it was caught by a tournament participant;
 - as a participant, accepts or agrees to accept a fish from another person for the purpose of representing that it was caught by the participant; or
 - as a participant, represents that a fish was caught by participant as part of the tournament when it was not.
- An offense is class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). If the offense occurred during a tournament in which a prize of \$10,000 or more was awarded to an individual or team, it is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

DIGEST: HB 1806 would apply provisions related to fraud in freshwater fishing tournaments to all fishing tournaments, freshwater or saltwater. The bill also would add to the fraud offense altering the length or width of a fish in a way that misrepresented its original dimensions and tournament participants entering fish that were obtained by violating any relevant portion of the law.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011. It would apply only to offenses committed on or after the effective date.

SUPPORTERS SAY: HB 1806 would help reduce fraud in Texas fishing tournaments by expanding the law to govern all types of fishing tournaments. By including saltwater fishing tournaments in its scope, the bill would cover some of the largest competitions in the state and country in terms of participation numbers and awarded prizes. The bill would help deter fraud aimed at obtaining greater bounties and affecting larger numbers of people.

The bill would reduce fraud in fishing tournaments by qualifying certain dishonest practices as illegal. By adding offenses to the Parks and Wildlife Code to include deceptive acts that were not officially illegal before the bill, HB 1806 would broaden the range of prosecutable actions.

By providing increased penalties and oversight, HB 1806 would encourage increased participation in fishing tournaments. Potential participants would be assured about spending their money and time on the competitions because of the enhanced integrity of the tournaments. The increased penalties also would discourage perpetrators from entering simply to defraud the tournament system and other honest participants.

OPPONENTS SAY: Although HB 1806 would help to reduce fraud in fishing tournaments held in Texas, the increased offenses to which it would apply could burden an already strained criminal justice system. According to the Legislative Budget Board's criminal justice impact statement, the expansion of behaviors to which the offense would apply likely would increase demands on local and state resources. Since there is no way to determine the number of offenders who would be convicted under the bill, there is no way to determine if the costs would be absorbed entirely within existing resources.

NOTES:

The companion bill, SB 897 by Hegar, was reported favorably, without amendment, by the Senate Agriculture and Rural Affairs Committee on April 5.