

SUBJECT: Increasing criminal penalties for disturbing oyster beds and fishing waters

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis
Johnson, Kacal, Morrison, Toth

0 nays

WITNESSES: For — (*Registered, but did not testify:* David Sinclair, Game Warden
Peace Officers Association; John Shepperd, Texas Foundation for
Conservation and Texas Coalition for Conservation)

Against — None

On — (*Registered, but did not testify:* Craig Bonds, Kevin Davis and Tom
Heger, Texas Parks and Wildlife Department)

BACKGROUND: Parks and Wildlife Code sec. 86.002 prohibits individuals without a permit from disturbing or taking marl, sand, gravel, shell, or mudshell under the Parks and Wildlife Commission's management and protection, or from operating in or disturbing any oyster bed or fishing water except for certain navigation or dredging purposes. An offense under this section is a class C Parks and Wildlife Code misdemeanor (fine of \$25 to \$500). Each day a violation occurs constitutes a separate offense.

Some have suggested that existing penalties may not be a sufficient deterrent to prevent illegal activities in the state's oyster beds and fishing waters.

DIGEST: HB 2038 would increase the penalty for an offense under Parks and Wildlife Code sec. 86.002 from a class C Parks and Wildlife Code misdemeanor (fine of \$25 to \$500) to a class B Parks and Wildlife Code misdemeanor (fine of \$200 to \$2,000 and/or up to 180 days in jail).

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, 2019, and would apply only to an offense committed on or after that date.