

CHAPTER 611

H.B. No. 1315

AN ACT

relating to the confiscation and disposition of certain aquatic life.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 12.109, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.109. **CONFISCATION AND DISPOSITION OF AQUATIC LIFE** [~~CONFISCATED MARINE LIFE~~]. (a) *Except as provided by Subsection (e) of this section, when* [~~When~~] an enforcement officer of the department believes that a person has unlawful possession of any fish, oysters, shrimp, or other *aquatic* [~~marine~~] life, he shall seize and sell the *aquatic* [~~marine~~] life and dispose of the proceeds as provided in this section. If the person is in possession of a greater quantity of *aquatic* [~~marine~~] life than is authorized by law, all such *aquatic* [~~marine~~] life shall be deemed to have been taken in contravention of the law and shall be seized by the arresting officer. The officer shall give to the person a receipt for all *aquatic* [~~marine~~] life seized *upon the sale of the aquatic life*.

(b) The confiscated *aquatic* [~~marine~~] life shall be sold to the highest of three bidders. The proceeds of the sale shall be deposited in the state treasury to the credit of suspense fund No. 900 pending the outcome of the action taken against the person charged with illegal possession.

(c) Unless the person is found guilty, all the proceeds shall be paid to the owner of the *aquatic* [~~marine~~] life.

(d) This section does not apply to fish, shrimp, or other *aquatic* [~~marine~~] life that are taken from an area declared by the Commissioner of Health to be a prohibited area.

(e) If an enforcement officer of the department determines that a person is in possession of oysters that were taken unlawfully, the officer may direct, if practical, that the oysters be returned to a public reef.

(f) The department and an enforcement officer of the department who acts under this section are not liable in any civil action for the seizure or sale of aquatic life or for the order to return oysters to a public reef.

SECTION 2. Section 76.113(d), Parks and Wildlife Code, is repealed.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.