

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 2198

By: Vaughan of the House
and
Wyrick of the Senate

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6
7 An Act relating to game and fish; amending 29 O.S.
8 2011, Section 6-303.1, which relates to possession of
9 paddlefish eggs; adding penalty for taking,
10 possessing or transporting certain paddlefish
11 products with certain value; and clarifying language.

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
13 entire bill and insert

14 "[game and fish - paddlefish eggs]

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 29 O.S. 2011, Section 6-303.1, is
17 amended to read as follows:

18 Section 6-303.1 A. Except as otherwise provided, no person
19 shall possess:

20 1. The eggs of more than one paddlefish that are still attached
21 to the egg membrane; or

22 2. More than three (3) pounds combined of processed paddlefish
23 eggs or fresh paddlefish eggs that have been removed from the egg
24 membrane.

1 B. Except as otherwise provided, no person shall ship into or
2 out of, transport into or out of, have in possession with the intent
3 to so transport, or cause to be removed from this state raw
4 unprocessed, processed, or frozen paddlefish eggs. No person shall
5 transport paddlefish with viscera out of the state.

6 C. The provisions of this section shall not apply to:

7 1. The Director of the Department of Wildlife Conservation,
8 employees of the Department of Wildlife Conservation or authorized
9 agents of the Department who are acting pursuant to their duties;

10 2. Any paddlefish products which are derived from lawfully
11 propagated fish licensed under rules promulgated by the Wildlife
12 Conservation Commission;

13 3. Any paddlefish products to which the Director has given an
14 individual specific written authority to transport the product into
15 or out of the state; and

16 4. Any processed and packaged paddlefish products imported into
17 the state if accompanied by an invoice stating the point of
18 origination of the paddlefish product.

19 D. Any person convicted of violating the provisions of this
20 section shall be punished by the imposition of a fine of not less
21 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand
22 Dollars (\$10,000.00) for the first offense and not less than Two
23 Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand
24 Dollars (\$25,000.00) for a second offense, or by imprisonment in the

1 county jail for a period not to exceed one (1) year, or by
2 confiscation of any equipment used in violation of this section
3 pursuant to the provisions of Section 7-206 of this title, or by a
4 combination of fine, imprisonment and confiscation.

5 E. In addition to other penalties provided for in this section,
6 any person convicted of taking, possessing or transporting, or
7 acting as an accessory in taking, possessing or transporting,
8 processed or unprocessed paddlefish products with a current market
9 value exceeding Five Thousand Dollars (\$5,000.00) shall upon
10 conviction be guilty of a misdemeanor punishable by a fine of not
11 less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-
12 five Thousand Dollars (\$25,000.00), or by imprisonment in the county
13 jail for a period not to exceed one (1) year, or by both such fine
14 and imprisonment. In addition to the fine and imprisonment provided
15 for in this subsection, any item, equipment, vehicle or other
16 property which is used or operated in violation of this section
17 shall be confiscated and may be sold pursuant to the provisions of
18 Section 7-206 of this title. The proceeds of the sale of any item,
19 equipment, vehicle or property that is distributed to the Department
20 of Wildlife Conservation shall be used by the Department to combat
21 the unlawful taking and possession of paddlefish in this state.

22 F. In addition to other penalties provided for in this section,
23 all fishing licenses and all fishing privileges within the state
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9 paddlefish eggs; adding penalty for taking,
10 possessing or transporting certain paddlefish
11 products with certain value; and clarifying language.

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11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 2. AMENDATORY 29 O.S. 2011, Section 6-303.1, is
14 amended to read as follows:

15 Section 6-303.1 A. Except as otherwise provided, no person
16 shall possess:

17 1. The eggs of more than one paddlefish that are still attached
18 to the egg membrane; or

19 2. More than three (3) pounds combined of processed paddlefish
20 eggs or fresh paddlefish eggs that have been removed from the egg
21 membrane.

22 B. Except as otherwise provided, no person shall ship into or
23 out of, transport into or out of, have in possession with the intent
24 to so transport, or cause to be removed from this state raw

1 unprocessed, processed, or frozen paddlefish eggs. No person shall
2 transport paddlefish with viscera out of the state.

3 C. The provisions of this section shall not apply to:

4 1. The Director of the Department of Wildlife Conservation,
5 employees of the Department of Wildlife Conservation or authorized
6 agents of the Department who are acting pursuant to their duties;

7 2. Any paddlefish products which are derived from lawfully
8 propagated fish licensed under rules promulgated by the Wildlife
9 Conservation Commission;

10 3. Any paddlefish products to which the Director has given an
11 individual specific written authority to transport the product into
12 or out of the state; and

13 4. Any processed and packaged paddlefish products imported into
14 the state if accompanied by an invoice stating the point of
15 origination of the paddlefish product.

16 D. Any person convicted of violating the provisions of this
17 section shall be punished by the imposition of a fine of not less
18 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand
19 Dollars (\$10,000.00) for the first offense and not less than Two
20 Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand
21 Dollars (\$25,000.00) for a second offense, or by imprisonment in the
22 county jail for a period not to exceed one (1) year, or by
23 confiscation of any equipment used in violation of this section
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1 pursuant to the provisions of Section 7-206 of this title, or by a
2 combination of fine, imprisonment and confiscation.

3 E. In addition to other penalties provided for in this section,
4 any person convicted of taking, possessing or transporting, or
5 acting as an accessory in taking, possessing or transporting
6 processed or unprocessed paddlefish products with a current market
7 value exceeding Five Thousand Dollars (\$5,000.00) shall upon
8 conviction be guilty of a felony punishable by a fine of not less
9 than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five
10 Thousand Dollars (\$25,000.00), or by imprisonment in the custody of
11 the Department of Corrections not exceeding two (2) years, or by
12 both such fine and imprisonment.

13 F. In addition to other penalties provided for in this section,
14 all fishing licenses and all fishing privileges within the state
15 held by a person convicted of violating the provisions of this
16 section shall be revoked for a period of not less than one (1) year
17 from the date of conviction.

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