

An Act

ENROLLED HOUSE
BILL NO. 2198

By: Vaughan of the House

and

Wyrick of the Senate

An Act relating to game and fish; amending 29 O.S. 2011, Section 6-303.1, which relates to possession of paddlefish eggs; adding penalty for taking, possessing or transporting certain paddlefish products with certain value; providing for the seizure and sale of certain property; specifying the use of proceeds from the sale of certain property; and clarifying language.

SUBJECT: Paddlefish products

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

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

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

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

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

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

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

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

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

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

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

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

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

E. In addition to other penalties provided for in this section, any person convicted of taking, possessing or transporting, or acting as an accessory in taking, possessing or transporting processed or unprocessed paddlefish products with a current market value exceeding Five Thousand Dollars (\$5,000.00) shall upon conviction be guilty of a misdemeanor punishable by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment. In addition to the fine and imprisonment provided for in this subsection, any item, equipment, vehicle or other property which is used or operated in violation of this section shall be seized and may be sold pursuant to the provisions of

Section 7-206 of this title. The proceeds of the sale of any item, equipment, vehicle or property that is distributed to the Department of Wildlife Conservation shall be used by the Department to combat the unlawful taking and possession of paddlefish in this state.

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

Passed the House of Representatives the 18th day of May, 2012.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2012.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____