HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2198 By: Vaughan of the House

and

Wyrick of the Senate

AS INTRODUCED

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; clarifying language; and declaring an emergency.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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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 felony punishable by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.

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.

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SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND ENVIRONMENT, dated 02/15/2012 - DO PASS, As Coauthored.

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