

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 COMMITTEE SUBSTITUTE

5 FOR ENGROSSED

6 HOUSE BILL NO. 2198

By: Vaughan of the House

and

Wyrick of the Senate

7
8 [game and fish - paddlefish eggs]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

20 B. Except as otherwise provided, no person shall ship into or
21 out of, transport into or out of, have in possession with the intent
22 to so transport, or cause to be removed from this state raw
23 unprocessed, processed, or frozen paddlefish eggs. No person shall
24 transport paddlefish with viscera out of the state.

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

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

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

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

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

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

24

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
24 PASS, As Amended.