

2015 Regular Session

HOUSE BILL NO. 341

BY REPRESENTATIVES GAROFALO AND HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides for additional penalties for unauthorized taking of oysters from leased acreage

1 AN ACT

2 To amend and reenact R.S. 56:431(D), relative to penalties for theft of oysters; to provide  
3 additional penalties for theft of oysters from leased acreage; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:431(D) is hereby amended and reenacted to read as follows:

7 §431. Unlawful removal of oysters or signs from leased propagating grounds;  
8 instructions to captain and crew of vessels; penalty

9 \* \* \*

10 D.(1) Violation of any of the provisions of this Section constitutes a class six  
11 violation. The imposition of these penalties does not bar the prosecution and  
12 conviction of the wrongdoer under the criminal statutes of this state.

13 (2)(a) In addition to all other penalties provided in this Section, for the first  
14 violation of Subsection A of this Section, the oyster harvester's license under which  
15 the violation occurred shall be revoked by the department and no new such license  
16 shall be issued for one year from the date of the conviction. In addition, the violator  
17 shall be sentenced to perform no less than forty hours of community service. If  
18 available, the hours shall be served in a litter abatement community service program.  
19 During the period in which the violator is prohibited from possession of an oyster  
20 harvester license for a first offense, the violator may be present on a vessel

1 harvesting or processing oysters only if that vessel is equipped with and is actively  
 2 using a vessel monitoring system as prescribed in R.S. 56:424.1.

3 (b) For a second violation of Subsection A of this Section, the violator's  
 4 oyster harvester license shall be revoked, and no new such license shall be issued for  
 5 three years from the date of conviction. In addition, the violator shall be sentenced  
 6 to perform no less than ninety hours of community service. If available, the hours  
 7 shall be served in a litter abatement community service program. During the period  
 8 in which the violator is prohibited from possession of an oyster harvester license for  
 9 a second violation, the violator shall not be present on a vessel harvesting or  
 10 processing oysters.

11 (c) For a third or subsequent violation of Subsection A of this Section, the  
 12 violator's oyster harvester license shall be revoked, and no new such license shall be  
 13 issued for ten years from the date of the third or subsequent conviction. In addition,  
 14 the violator shall be sentenced to perform no less than one hundred twenty hours of  
 15 community service. If available, the hours shall be served in a litter abatement  
 16 community service program. During the period in which the violator is prohibited  
 17 from possession of an oyster harvester license for a third or subsequent violation, the  
 18 violator shall not be present on a vessel harvesting or processing oysters.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 341 Engrossed

2015 Regular Session

Garofalo

**Abstract:** Provides additional penalties for the illegal taking of oysters from leased acreage.

Present law provides that illegal taking of oysters is a class six offense punishable for each offense with a fine of between \$900 and \$950 or imprisonment for less than 120 days or both and forfeiture of anything seized.

Proposed law adds penalties in addition to the class six penalties as follows:

- (1) For the first violation, the violator's oyster harvester license shall be revoked and a new license shall not be issued for one year from the date of conviction, and the violator shall be required to perform at least 40 hours of community service, litter

- abatement if available. During the period of revocation, proposed law allows the violator to be present on a vessel harvesting or processing oysters only if the vessel is equipped with and actively using a vessel monitoring system approved by the Dept. of Wildlife and Fisheries.
- (2) For a second violation, the violator's oyster harvester license shall be revoked and a new license shall not be issued for three years from the date of conviction and the violator shall be required to perform at least 90 hours of community service, litter abatement if available. For a second or subsequent violation, the violator is prohibited from being on a vessel harvesting or processing oysters.
- (3) For a third or subsequent violation, the violator's oyster harvester license shall be revoked and a new license shall not be issued for 10 years from the date of conviction and the violator shall be required to perform at least 120 hours of community service, litter abatement if available.
- (Amends R.S. 56:431(D))