
DIGEST

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HB 355 Reengrossed

2019 Regular Session

Gisclair

Abstract: Prohibits the taking of immature female crabs and provides for enhanced penalties for certain crab fishing violations.

Present law prohibits the taking of adult crabs in the berry stage. Proposed law also prohibits the taking of immature female crabs.

Present law allows an incidental take of crabs in berry stage of not more than two percent. Proposed law limits the incidental take of immature female crabs to not more than five percent.

Present law provides that most crab fishing violations are class four violations punishable as follows:

1st offense between \$400 & \$950 or imprisonment for more than 120 days, or both.

2nd offense between \$750 & \$999 & imprisonment between 90 and 180 days.

3rd offense or more between
\$1,000 & \$5,000 & imprisonment between 180 days and 2 years.

Provides forfeiture of anything seized in connection with the violation.

Proposed law adds to the class four punishments the following enhancements for theft of crab traps or crabs from within a trap:

1st offense: Suspension of crab trap gear license for one year; 40 hours community service; mandatory use of an approved vessel monitoring system (VMS) on any vessel used by the violator for the one-year suspension period.

2nd offense: Suspension of crab trap gear license for three years; 90 hours community service; mandatory use of an approved VMS on any vessel used by the violator for the three-year suspension period.

3rd offense: Suspension of crab trap gear license for 10 years; 120 hours community service; prohibited from being on a vessel fishing for crabs for duration of the suspension.

Proposed law adds to the class four punishments the following enhancements for violations other than theft of crab traps or crabs from within a trap:

- 1st offense: Performance of 40 hours of community service preferably in litter abatement or removal of derelict crab traps.
- 2nd offense: Suspension of crab trap gear license for one year; 40 hours community service preferably in litter abatement or removal of derelict crab traps; mandatory use of an approved VMS on any vessel used by the violator for the one-year suspension period.
- 3rd offense: Suspension of crab trap gear license for three years; 90 hours community service preferably in litter abatement or removal of derelict crab traps; mandatory use of an approved VMS on any vessel used by the violator for the three-year suspension period.
- 4th offense: Suspension of crab trap gear license for 10 years; 120 hours community service preferably in litter abatement or removal of derelict crab traps; prohibited from being on a vessel fishing for crabs for duration of the suspension.

(Amends R.S. 56:332(B), (F), and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Add the following enhancements to class four punishments for crab-related violations other than theft of crab traps or crabs from within a trap:

- 1st offense: Performance of 40 hours of community service preferably in litter abatement and mandatory use of an approved vessel monitoring system (VMS) on any vessel used by the violator for a one-year period.
- 2nd offense: Suspension of crab trap gear license for one year; 40 hours community service preferably in litter abatement; mandatory use of an approved VMS on any vessel used by the violator for the one-year suspension period.
- 3rd offense: Suspension of crab trap gear license for three years; 90 hours community service preferably in litter abatement; mandatory use of an approved VMS on any vessel used by the violator for the three-year suspension period.
- 4th offense: Suspension of crab trap gear license for 10 years; 120 hours community service preferably in litter abatement; mandatory use of an approved VMS on any vessel used by the violator for the ten-year suspension period.

The House Floor Amendments to the engrossed bill:

1. Add "removal of abandoned crab traps as a part of the derelict crab trap removal program" to the litter removal option for the enhanced penalties.
2. Remove the one-year VMS requirement on a first offense for other-than-theft violations.
3. Limit incidental take of immature female crabs to 5% of the catch but retain the present law incidental catch of 2% for berried crabs.