

ACT No. 211

2015 Regular Session

HOUSE BILL NO. 341

BY REPRESENTATIVES GAROFALO, HARRISON, AND LEOPOLD

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, upon
14 conviction for the first violation of Subsection A of this Section, the oyster
15 harvester's license under which the violation occurred shall be revoked by the
16 department and no new such license shall be issued for one year from the date of the
17 conviction. In addition, the violator shall be sentenced to perform no less than forty
18 hours of community service. If available, the hours shall be served in a litter
19 abatement community service program. During the period in which the violator is
20 prohibited from possession of an oyster harvester license for a first offense, the
21 violator may be present on a vessel harvesting or processing oysters only if that
22 vessel is equipped with and is actively using a vessel monitoring system as
23 prescribed in R.S. 56:424.1.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____