

2019 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE GISCLAIR

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

FISHING/CRABS: Prohibits the taking of immature female crabs and provides for enhanced penalties for certain crab fishing violations

1 AN ACT

2 To amend and reenact R.S. 56:332(B), (F), and (H), relative to crab fishing; to prohibit the  
3 taking of immature female crabs; to provide for enhanced penalties for certain class  
4 four crab fishing violations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:332(B), (F), and (H) are hereby amended and reenacted to read  
7 as follows:

8 §332. Crabs; release of immature female crabs and crabs in berry stage; method of  
9 taking crabs; time limitations; by-catch; penalties, abandoned crab trap  
10 removal program; escape rings

11 \* \* \*

12 B.(1) No person shall keep or sell immature female crabs or adult female  
13 crabs in berry stage, that is, when ~~they~~ the adult females are carrying the eggs or  
14 young attached to the abdomen. All immature female crabs and crabs in berry stage  
15 taken by any means shall be returned immediately to the waters, unless the immature  
16 female crabs are in the premolt stage and are being held for processing as soft shell  
17 crabs or being sold to a processor for the making of soft shell crabs. However, a  
18 legally licensed commercial crab fisherman may have ~~in his workbox~~ an incidental

1 take of immature female crabs or crabs in berry stage in an amount equal to not more  
2 than two percent of the total number of crabs in his possession.

3 (2) To determine whether the total number of crabs in possession violates  
4 this Subsection, the enforcement agent shall take a random sample of fifty crabs  
5 from each crate or group of crabs equivalent to one crate. If more than two percent  
6 of the crabs in that fifty crab random sample are immature female crabs or adult  
7 crabs in berry stage, the entire number of crabs in that crate or group of crabs  
8 equivalent to one crate shall be considered to be in violation.

9 (3) Crabs in a work box, as defined in R.S. 56:8, shall not be subject to the  
10 immature female or adult berry stage restriction while the crabs are held aboard the  
11 vessel and the fisherman is actively fishing.

12 \* \* \*

13 F.(1) Notwithstanding any other law to the contrary, theft Theft of a crab trap  
14 or crabs from within a crab trap shall be prohibited and shall constitute a class 4 four  
15 violation punishable as provided in R.S. 56:34.

16 (2) In addition to all other penalties provided in this Subsection, for the first  
17 violation of this Subsection, the department shall suspend or revoke the violator's  
18 crab trap gear license for a period of one year from the date of the conviction and no  
19 new crab trap gear license shall be issued to the violator during the period of  
20 suspension or revocation. During the period in which the violator's license is  
21 suspended or revoked, the violator may be present on a vessel commercially  
22 harvesting or processing crabs only if that vessel is equipped with and is actively  
23 using a vessel monitoring system accessible to the department as prescribed in R.S.  
24 56:424.1. In addition, the violator shall be sentenced to perform no less than forty  
25 hours of community service. If available, the hours shall be served removing  
26 abandoned crab traps as a part of the derelict crab trap removal program or in a litter  
27 abatement community service program.

28 (3) In addition to all other penalties provided in this Subsection, for a second  
29 violation of this Subsection, the department shall suspend or revoke the violator's



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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 355 Original

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 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 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 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 gear license for 10 years; 120 hours community service; prohibited from being on a vessel fishing crabs for duration of the suspension.

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