

2019 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE GISCLAIR

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 producing of soft shell crabs. However, a
18 legally licensed commercial crab fisherman may have ~~in his workbox~~ an incidental
19 take of immature female crabs in an amount not to exceed five percent or crabs in

1 berry stage in an amount equal to not more than two percent of the total number of
2 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 five 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(B). In addition, the violator shall be sentenced to perform no less than
25 forty 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
30 crab trap gear license for a period of three years from the date of the conviction and

1 no new crab trap gear license shall be issued to the violator during the period of
2 suspension or revocation. During the period in which the violator's license is
3 suspended or revoked, the violator may be present on a vessel commercially
4 harvesting or processing crabs only if that vessel is equipped with and is actively
5 using a vessel monitoring system accessible to the department as prescribed in R.S.
6 56:424.1(B). In addition, the violator shall be sentenced to perform no less than
7 ninety hours of community service. If available, the hours shall be served removing
8 abandoned crab traps as a part of the derelict crab trap removal program or in a litter
9 abatement community service program.

10 (4) In addition to the other penalties provided in this Subsection, for a third
11 or subsequent violation of this Subsection, the violator's crab trap gear license shall
12 be suspended or revoked for a period of ten years from the date of the conviction and
13 no new crab trap gear license shall be issued to the violator during the period of
14 suspension or revocation. During the period in which the violator's license is
15 suspended or revoked, the violator shall not be present on a vessel commercially
16 harvesting or processing crabs. In addition, the violator shall be sentenced to
17 perform no less than one hundred twenty hours of community service. If available,
18 the hours shall be served removing abandoned crab traps as a part of the derelict crab
19 trap removal program or in a litter abatement community service program.

20 * * *

21 H.(1) Violation of any provision of this Section constitutes a class four
22 violation, except as otherwise provided ~~herein~~ in this Section and specifically as
23 provided in Subsection F of this Section.

24 (2) In addition to the penalties associated with a class four violation under
25 the provisions of R.S. 56:34, for the first conviction of a class four violation of this
26 Section, the court shall also sentence the violator to perform forty hours of
27 community service. If available, the hours shall be served removing abandoned crab
28 traps as a part of a derelict crab trap removal program or in a community service
29 litter abatement program.

1 (3) In addition to the penalties associated with a class four violation under
2 the provisions of R.S. 56:34, for the second conviction of a class four violation of
3 this Section, the court shall revoke or suspend the violator's crab trap gear license for
4 one year from the date of the conviction and no new crab trap gear license shall be
5 issued to the violator during the period of suspension or revocation. During such
6 revocation or suspension, the violator may be present on a vessel harvesting or
7 possessing crabs only if the vessel is equipped with and is actively using a vessel
8 monitoring system accessible to the Department of Wildlife and Fisheries as
9 prescribed in R.S. 56:424.1(B). The court shall also sentence the violator to perform
10 forty hours of community service. If available, the hours shall be served removing
11 abandoned crab traps as a part of a derelict crab trap removal program or in a
12 community service litter abatement program.

13 (4) For a third conviction of a class four violation of this Section, the court
14 shall revoke or suspend the violator's crab trap gear license for three years from the
15 date of the third conviction and no new crab trap gear license shall be issued to the
16 violator during the period of suspension or revocation. During such revocation or
17 suspension, the violator may be present on a vessel harvesting or possessing crabs
18 only if the vessel is equipped with and is actively using an operating vessel
19 monitoring system as described in R.S. 56:424.1(B) that is accessible to the
20 Department of Wildlife and Fisheries. In addition, the court shall sentence the
21 violator to perform no less than ninety hours of community service. If available, the
22 hours shall be served removing abandoned crab traps as a part of a derelict crab trap
23 removal program or in a community service litter abatement program.

24 (5) For a fourth or subsequent conviction of a class four violation of this
25 Section, the court shall revoke or suspend the violator's crab trap gear license for ten
26 years from the date of the last conviction and no new crab trap gear license shall be
27 issued to the violator during the period of suspension or revocation. During such
28 revocation or suspension, the violator may be present on a vessel harvesting or
29 possessing crabs only if the vessel is equipped with and is actively using an operating
30 vessel monitoring system as described in R.S. 56:424.1(B) that is accessible to the

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PRESIDENT OF THE SENATE

APPROVED: _____