
DIGEST

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Leopold

HB No. 236

Abstract: Increases penalties for violations of laws regulating oyster harvest during health closures and health time restrictions.

Present law requires oysters to be transferred to refrigeration within one hour of harvest. Provides for a \$25 penalty for violation of such regulations. Proposed law provides that such violations constitute a class four violation 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 or more	between \$1,000 & \$5,000	&	imprisonment between 180 days and two years

Present law prohibits the harvest, possession, sale, trade, purchase, or exchange of oysters taken from areas not approved by the state health officer. Provides that violations of such prohibition are class four punishable as above. Present law, for a first violation, further provides for revocation of the oyster harvester license for the remainder of the period for which it was issued and for a second or subsequent offense, provides for revocation for three years.

Proposed law changes the penalties for such violations to class six violations 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.

In addition, 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.

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 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. For a second or subsequent violation, the violator is prohibited from being on a vessel harvesting or processing oysters.

Present law prohibits the harvest of oysters from the natural reefs or seed grounds during any closure of such by the Wildlife and Fisheries Commission. Provides that violations are class two punishable as follows:

1st offense	\$100 - \$350	or imprisonment	not more than 60 days, or both
2nd offense	\$300 - \$550	&	imprisonment between 30 and 60 days
3rd or more	\$500 - \$750	&	imprisonment between 60 and 90 days, and forfeiture

Proposed law provides that such violations are class six 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. Further provides that violators shall perform 40 hours of community service, litter abatement if available.

Present law prohibits harvesting of oysters for steaming during a specified period of closure. Proposed law repeals present law.

(Amends R.S. 40:6(A) and R.S. 56:424(E) and 433(C), (G), and (J); Adds R.S. 40:6(H) and LAC 51:IX.3.335(B); Repeals R.S. 56:433(D))

Summary of Amendments Adopted by House

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

1. Relative to violations of the state requirements for oysters to be transferred to refrigeration within one hour of harvest, removed the provisions for forfeiture of anything seized in connection with the violation.