

**ACT No. 74**

2019 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE GISCLAIR

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

\* \* \*

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

1            Department of Wildlife and Fisheries. In addition, the court shall sentence the  
2            violator to perform no less than one hundred twenty hours of community service. If  
3            available, the hours shall be served removing abandoned crab traps as a part of a  
4            derelict crab trap removal program or in a community service litter abatement  
5            program.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_