

House Bill 1722

By: Representatives Hill of the 147th, Williams of the 128th, Smith of the 129th, Post 2, Keen of the 146th, Barnard of the 121st, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 27-4-150 of the Official Code of Georgia Annotated, relating to
2 taking, possessing, and dealing in crabs and peelers and required records, so as to change
3 certain provisions relating to punishments for violations; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 27-4-150 of the Official Code of Georgia Annotated, relating to taking,
8 possessing, and dealing in crabs and peelers and required records, is amended by striking
9 subsections (f) and (g) and inserting in lieu thereof the following:

10 "(f)(1) It shall be unlawful for anyone engaged in commercial fishing for crabs in the salt
11 waters of this state to fail to maintain at all times a record book showing the amount of
12 crabs caught daily; the name and address of the person or persons to whom sold; the date
13 of sale and the time and place of delivery; and such other information as may be required
14 by the department. If no fishing occurred during any calendar month, a report stating such
15 must be filed.

16 (2) Each person required to maintain records pursuant to the provisions of paragraph (1)
17 of this subsection shall report such information to the department at such time and in such
18 manner as the board provides by rule or regulation. Such records shall be deemed
19 provided in accordance with the provisions of this subsection on the date they were
20 postmarked with the correct address and postage.

21 (3) Any person who fails to report records as required by the provisions of paragraph (2)
22 of this subsection within 60 days of the date such report is due shall be penalized as
23 follows:

24 (A) On a first ~~offense~~ conviction with no conviction of and no plea of nolo contendere
25 accepted to a charge of such offense within the previous three years, as measured from
26 the dates of previous arrests for which convictions were obtained or pleas of nolo

1 contendere were accepted to the date of the current arrest for which a conviction is
 2 obtained or a plea of nolo contendere is accepted, the person shall pay a fine of
 3 \$250.00;

4 (B) On a second ~~offense~~ conviction within a three-year period of time, as measured
 5 from the dates of previous arrests for which convictions were obtained or pleas of nolo
 6 contendere were accepted to the date of the current arrest for which a conviction is
 7 obtained or a plea of nolo contendere is accepted, the person shall pay a fine of
 8 \$500.00; and

9 (C) On a third or any subsequent ~~offense~~ conviction within a three-year period of time,
 10 as measured from the dates of previous arrests for which convictions were obtained or
 11 pleas of nolo contendere were accepted to the date of the current arrest for which a
 12 conviction is obtained or a plea of nolo contendere is accepted, the person shall pay a
 13 fine of \$500.00, and his or her commercial crabbing license shall be suspended for a
 14 period of ten days.

15 (4) Any licensed crabber who has not submitted all harvest records for the previous year,
 16 as required by paragraph (2) of this subsection and all pertinent rules and regulations,
 17 shall be ineligible for license renewal until such time as the required records have been
 18 submitted and all penalties paid.

19 (g) Any person violating the provisions of subsection (a) of this Code section shall be
 20 guilty of a misdemeanor and, upon conviction, shall pay a fine as follows:

21 (1) For a first ~~offense~~ conviction with no conviction of and no plea of nolo contendere
 22 accepted to a charge of such offense within the previous one year, as measured from the
 23 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
 24 were accepted to the date of the current arrest for which a conviction is obtained or a plea
 25 of nolo contendere is accepted, the person shall pay a fine of \$250.00;

26 (2) For a second ~~offense~~ conviction within a one-year period of time, as measured from
 27 the dates of previous arrests for which convictions were obtained or pleas of nolo
 28 contendere were accepted to the date of the current arrest for which a conviction is
 29 obtained or a plea of nolo contendere is accepted, the person shall pay a fine of \$500.00,
 30 and his or her commercial crabbing and commercial fishing boat licenses shall be
 31 suspended for ten days and may not be used by any person; and

32 (3) For a third and each subsequent ~~offense~~ conviction within a one-year period of time,
 33 as measured from the dates of previous arrests for which convictions were obtained or
 34 pleas of nolo contendere were accepted to the date of the current arrest for which a
 35 conviction is obtained or a plea of nolo contendere is accepted, the person shall pay a fine
 36 of \$1,000.00, and his or her commercial crabbing and commercial fishing boat licenses
 37 shall be suspended for 60 days and may not be used by any person. Any person whose

1 license is so suspended shall remove all of his or her traps from the water not later than
2 ten days after the first day of the suspension."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.