

Overcriminalization and Shark Fins

Testimony before the Texas House of Representatives, Culture, Recreation, & Tourism Committee

by Jeanette Moll, Center for Effective Justice

- Texas law currently is wrought with thousands of felonies and misdemeanors sprinkled throughout each of the codes.
- The Texas Public Policy Foundation's research indicates that criminal laws need to be focused on public safety issues, which will ease the overburdening of our courts and reduce the regulation of business activities through the criminal code.
- Using the criminal law to penalize selling or bartering shark fins, even those obtained through legally catching an entire shark, extends the criminal law beyond its traditional purposes and into business and environmental issues.
- In fact, the legislation proposed in the Texas Legislature would criminalize anyone who legally catches a shark, consumes or sells the meat, and then sells the discarded shark fin.
- Federal law, specifically 16 U.S.C. § 1857(1)(P), already bans the act of removing a fin from a living shark and returning it to the ocean.
- As a result, this law is duplicative and unnecessary. More importantly, it goes beyond the federal law which focuses just on the objectionable act itself, rather than also covering the transfer of fins from sharks that are entirely caught within the law. ★

