



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL,  
ATTORNEY GENERAL**

April 14, 1976

The Honorable Clayton T. Garrison    Opinion No. H-807  
Executive Director  
Texas Parks and Wildlife Dept.  
John H. Reagan Building  
Austin, Texas 78701

Re: Whether redfish of  
less than fourteen inches  
may be lawfully possessed  
on board a licensed com-  
mercial shrimp boat.

Dear Mr. Garrison:

You have requested our opinion regarding whether redfish of less than 14 inches may be lawfully possessed aboard a licensed commercial shrimp boat.

Section 66.201 of the new Parks and Wildlife Code provides:

(a) No person may take from public water and retain, or place in a boat, creel, live-box, or other container or on a stringer, a redfish less than 14 inches long.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

Prior to its inclusion in the Parks and Wildlife Code, this provision appeared in the Penal Code as article 931a.

The minimum length of redfish is also declared to be 14 inches in another portion of the Parks and Wildlife Code, section 47.034(c), which deals with maximum and minimum length of a number of varieties of fish. In 1975, the Legislature added the following proviso to that section:

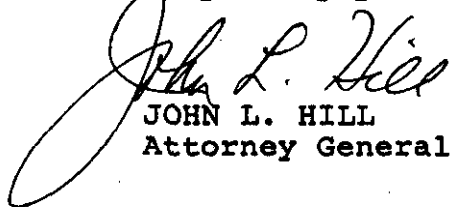
The possession of saltwater species of fish of greater or lesser length than set out in Subsection (c) of this section on board a licensed commercial shrimp boat engaged in the taking of shrimp or returning to port after taking shrimp is not a violation of this section. Parks and Wildlife Code § 47.034(e).

Thus, for purposes of section 47.034, a licensed commercial shrimp boat may lawfully possess redfish of less than 14 inches. Since section 66.201 of the Code prescribes the same minimum length as to redfish, it is our opinion that the exception of section 47.034 is equally applicable to section 66.201. Accordingly, redfish of less than 14 inches may be lawfully possessed aboard a licensed commercial shrimp boat.

S U M M A R Y

Redfish of less than 14 inches may be lawfully possessed aboard a licensed commercial shrimp boat.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant  
C. ROBERT HEATH, Chairman  
Opinion Committee

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