

By: Gallego

H.B. No. 2684

Substitute the following for H.B. No. 2684:

By: Hilderbran

C.S.H.B. No. 2684

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prohibition of glass containers within the
3 boundaries of a state-owned riverbed; providing criminal
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 365, Health and Safety
7 Code, is amended by adding Section 365.035 to read as follows:

8 Sec. 365.035. PROHIBITION ON GLASS CONTAINERS WITHIN
9 BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) A person commits
10 an offense if the person possesses a glass container within the
11 boundaries of a state-owned riverbed. An offense under this
12 section is a Class C misdemeanor unless it is shown on the trial of
13 the defendant that the defendant has previously been convicted of
14 an offense under this section, in which case the offense is a Class
15 B misdemeanor.

16 (b) It is a defense to prosecution under Subsection (a) that
17 the person who possessed the glass container:

18 (1) did not transport the glass container into the
19 boundaries of the riverbed; or

20 (2) possessed the glass container only for the purpose
21 of lawfully disposing of the glass container in a designated waste
22 receptacle.

23 (c) It is an exception to the application of Subsection (a)
24 that the person possessed the glass container only for the purpose

1 of water sampling or conducting scientific research as authorized
2 by:
3 (1) a governmental entity;
4 (2) a utility as defined by Section 11.004, Utilities
5 Code; or
6 (3) a retail public utility as defined by Section
7 13.002, Water Code.

8 SECTION 2. This Act takes effect September 1, 2005.