

## **BILL ANALYSIS**

C.S.H.B. 32  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The threat of fire is a very real danger to this state. As spring turns into summer, the Texas heat will consume the moisture out of most the state's rangeland making Texas more susceptible to the dangers of wildfires. According to the Texas Forest Service, the 2006 Texas Wildfire Season was the worst season on record with the state. During the season, 29,141 fires destroyed \$628,100,961 worth of property but more importantly took the lives of 19 Texans. Worse yet is knowing that, according the Texas Forest Service, the majority of these fires were human caused and preventable.

With another wildfire season upon us it would behoove the State of Texas to take precautionary measures to help prevent and deter the careless acts that could start a wildfire. Under current law discarding a lighted match, cigarette, or cigar, or any other lighted smoking material from a motor vehicle does not constitute a Class B misdemeanor. In order to deter and prevent the careless starting of wild fires in the State of Texas, C.S.H.B 32 would raise the offense of discarding a lighted match, cigarette or cigar, or any other lighted smoking material from a Class C misdemeanor to a Class B misdemeanor.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 32 amends the Health and Safety Code to include a lighted match, cigarette or cigar, or any other lighted smoking material being discarded from a motor vehicle as an offence of a Class B misdemeanor. The bill is non retroactive and will only affect those offenses committed on or after the effective date.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 32 modifies the original by changing the penalty for discarding a lighted match, cigarette, or cigar, or any other lighted smoking material from a motor vehicle to a Class B misdemeanor. The original would have set the penalty as a Class A misdemeanor.