

## **BILL ANALYSIS**

C.S.H.B. 810  
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Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, recreational water activities in Texas are becoming hazardous due to the increased litter around state-owned riverbeds. Swimmers, anglers, paddlers, and campers are at risk to suffer from an injury caused by broken glass in the riverbeds. In addition, these containers pollute the beds if they are not properly disposed of in trash bins.

C.S.H.B. 810 makes it an offense for a person to knowingly possess a glass container within the boundaries of a state-owned riverbed to create a safer and more environmentally friendly riverbed.

### **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. 810 amends the Health and Safety Code to make it a Class C misdemeanor to knowingly possess a glass container within the boundaries of a state-owned riverbed. The bill enhances the penalty to a Class B misdemeanor for a subsequent conviction for the offense. The bill creates a defense to prosecution that the person who possessed the glass container did not transport the glass container into the boundaries of the riverbed, that the person possessed the glass container only for the purpose of lawfully disposing of the glass container in a designated waste receptacle, or that the person is the owner of property adjacent to the section of the riverbed in which the person possessed the glass container. The bill creates an exception to the application of the bill's provisions for a person who possesses the glass container only for the purpose of water sampling or conducting scientific research as authorized by a governmental entity, a utility as defined by provisions of the Utilities Code, or a retail public utility as defined by provisions of the Water Code. The bill defines "glass container."

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 810 makes it a Class C misdemeanor to knowingly possess, rather than to possess as in the original, a glass container within the boundaries of a state-owned riverbed. The substitute adds a provision not in the original creating a defense to prosecution that the person is the owner of property adjacent to the section of the riverbed in which the person possessed the glass container. The substitute adds a provision not in the original to define "glass container."