

By: Gallego

H.B. No. 810

Substitute the following for H.B. No. 810:

By: McCall

C.S.H.B. No. 810

A BILL TO BE ENTITLED

AN ACT

1
2 relating to possessing a glass container within the boundaries of
3 certain riverbeds; providing criminal penalties.

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

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

7 Sec. 365.035. PROHIBITION ON POSSESSING GLASS CONTAINERS
8 WITHIN BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) In this
9 section, "glass container" means a glass container designed to
10 contain a beverage, including a bottle or jar.

11 (b) A person commits an offense if the person knowingly
12 possesses a glass container within the boundaries of a state-owned
13 riverbed. An offense under this section is a Class C misdemeanor
14 unless it is shown on the trial of the defendant that the defendant
15 has previously been convicted of an offense under this section, in
16 which case the offense is a Class B misdemeanor.

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

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

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

24 (3) is the owner of property adjacent to the section of

1 the riverbed in which the person possessed the glass container.

2 (d) It is an exception to the application of Subsection (b)
3 that the person possessed the glass container only for the purpose
4 of water sampling or conducting scientific research as authorized
5 by:

6 (1) a governmental entity;

7 (2) a utility as defined by Section 11.004, Utilities
8 Code; or

9 (3) a retail public utility as defined by Section
10 13.002, Water Code.

11 SECTION 2. This Act takes effect September 1, 2009.