

By: Gallego

H.B. No. 810

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(c) It is an exception to the application of Subsection (a) that the person possessed the glass container only for the purpose of water sampling or conducting scientific research as authorized

1 by:

2           (1) a governmental entity;

3           (2) a utility as defined by Section 11.004, Utilities

4 Code; or

5           (3) a retail public utility as defined by Section

6 13.002, Water Code.

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