

AN ACT

relating to the penalty for certain outdoor burning violations.

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

SECTION 1. Section 7.187, Water Code, is amended to read as follows:

Sec. 7.187. PENALTIES. (a) Except as provided by Subsection (b), a ~~A~~ person convicted of an offense under this subchapter is punishable by:

(1) a fine, as imposed under the section creating the offense, of:

(A) not more than \$1,000;

(B) not less than \$1,000 or more than \$50,000;

(C) not less than \$1,000 or more than \$100,000;

(D) not less than \$1,000 or more than \$250,000;

(E) not less than \$2,000 or more than \$500,000;

(F) not less than \$5,000 or more than \$1,000,000;

(G) not less than \$10,000 or more than \$1,500,000; or

(H) not more than twice the amount of the required fee;

(2) confinement for a period, as imposed by the section creating the offense, not to exceed:

(A) 30 days;

(B) 90 days;

- 1 (C) 180 days;
- 2 (D) one year;
- 3 (E) two years;
- 4 (F) five years;
- 5 (G) 10 years;
- 6 (H) 15 years;
- 7 (I) 20 years; or
- 8 (J) 30 years; or

9 (3) both fine and confinement, as imposed by the
10 section creating the offense.

11 (b) Notwithstanding Section 7.177(a)(5), conviction for an
12 offense under Section 382.018, Health and Safety Code, is
13 punishable as:

14 (1) a Class C misdemeanor if the waste is not a
15 substance described by Subdivision (3);

16 (2) a Class B misdemeanor if the violation is a second
17 or subsequent violation under Subdivision (1);

18 (3) a Class A misdemeanor if the violation involves
19 the burning of tires, insulation on electrical wire or cable,
20 treated lumber, plastics, non-wood construction or demolition
21 materials, heavy oils, asphaltic materials, potentially explosive
22 materials, furniture, carpet, chemical wastes, or items containing
23 natural or synthetic rubber.

24 SECTION 2. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense is committed before the effective date of
3 this Act if any element of the offense occurs before the effective
4 date.

5 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 857 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 857 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 857 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor