

By: Laubenberg

H.B. No. 857

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for certain outdoor burning violations.

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

4 SECTION 1. Section 7.177, Water Code, is amended by
5 amending Subsections (b) and (c) and adding Subsection (d) to read
6 as follows:

7 (b) Except as provided by Subsection (d), an [An] offense
8 under this section is punishable for an individual under Section
9 7.187(1)(B) or Section 7.187(2)(C) or both.

10 (c) Except as provided by Subsection (d), an [An] offense
11 under this section is punishable for a person other than an
12 individual under Section 7.187(1)(C).

13 (d) A person who violates a rule adopted under Section
14 382.018, Health and Safety Code, commits an offense that is a Class
15 C misdemeanor, except that:

16 (1) the offense is a Class B misdemeanor if:

17 (A) the violation is a second or subsequent
18 violation of a rule adopted under Section 382.018; or

19 (B) except as provided by Subdivision (2), the
20 violation involves the burning of a substance specifically
21 prohibited by a rule adopted under Section 382.018; and

22 (2) the offense is a Class A misdemeanor if the
23 violation involves the burning of a tire or of insulation on copper
24 wire.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense is committed before the effective date of
7 this Act if any element of the offense occurs before the effective
8 date.

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