

By: Leibowitz

H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring defendants convicted of the manufacture of  
3 methamphetamine to pay for remediation measures for the premises on  
4 which the methamphetamine was manufactured.

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

6 SECTION 1. Article 42.037, Code of Criminal Procedure, is  
7 amended by adding Subsection (t) to read as follows:

8 (t) This subsection applies only to a person who is  
9 convicted of the manufacture of methamphetamine in violation of  
10 Section 481.112, Health and Safety Code. The court shall order a  
11 defendant who is found to have manufactured methamphetamine on real  
12 property that the defendant does not own to pay the owner of the  
13 property the cost of:

14 (1) repairing physical damage to the property caused  
15 by the manufacture of methamphetamine;

16 (2) removing and disposing of hazardous substances and  
17 contaminated materials; and

18 (3) performing remediation measures for the property  
19 to remove residual contaminants injurious to human health.

20 SECTION 2. The change in law made by this Act applies only to  
21 an offense committed on or after the effective date of this Act. An  
22 offense committed before the effective date of this Act is covered  
23 by the law in effect when the offense was committed, and the former  
24 law is continued in effect for that purpose. For purposes of this

1 section, an offense was committed before the effective date of this  
2 Act if any element of the offense was committed before that date.

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