

By: Gallego

H.B. No. 218

Substitute the following for H.B. No. 218:

By: Lucio III

C.S.H.B. No. 218

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) In this section, "glass container" means a glass container designed to contain a beverage, including a bottle or jar.

(b) A person commits an offense if the person knowingly 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.

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

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

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

(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;

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

11 (4) a power generation company as defined by Section  
12 31.002, Utilities Code;

13 (5) a surface coal mining and reclamation operation,  
14 as defined by Section 134.004, Natural Resources Code; or

15 (6) a school- or university-sponsored educational  
16 activity.

17 SECTION 2. This Act takes effect September 1, 2011.