

## **BILL ANALYSIS**

C.S.H.B. 2556  
By: White, Molly  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that there are insufficient penalty options available to authorities when they witness a person burning certain substances, resulting in certain offenders going unpunished while others contribute to the already substantial Texas jail populations. C.S.H.B. 2556 seeks to remedy this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2556 amends the Health and Safety Code to establish that conduct in violation of a rule adopted under Texas Clean Air Act provisions relating to outdoor burning of waste and combustible material that also violates a municipal ordinance may be prosecuted only under the municipal ordinance, provided that the violation is not a second or subsequent violation of such a rule or a municipal ordinance and the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

C.S.H.B. 2556 amends the Water Code to revise the criminal penalties for certain outdoor burning of waste and combustible material violations. The bill removes tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, and items containing natural or synthetic rubber from the substances for which a violation constitutes a Class A misdemeanor regardless of whether the violation is a first or subsequent violation. The bill instead makes a violation involving such a substance a Class C misdemeanor if the violation is a first violation and makes a violation that involves such a substance and is a second or subsequent violation either a Class B or Class A misdemeanor depending on whether any of the prior violations involved the burning of tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, items containing natural or synthetic rubber, heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

C.S.H.B. 2556 retains the Class C misdemeanor penalty for a first-time violation that does not involve any of the described substances; the Class B misdemeanor penalty for a second or subsequent violation that does not involve any of the described substances; and the Class A misdemeanor penalty for any violation that involves the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

## **EFFECTIVE DATE**

September 1, 2015.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2556 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### **INTRODUCED**

No equivalent provision.

### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 382.018, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) If conduct that violates a rule adopted under this section also violates a municipal ordinance, that conduct may be prosecuted only under the municipal ordinance, provided that:

(1) the violation is not a second or subsequent violation of a rule adopted under this section or a municipal ordinance; and

(2) the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

SECTION 1. Section 7.187(b), Water Code, is amended.

SECTION 2. Same as introduced version.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.