

By: White of Bell

H.B. No. 2556

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalty for certain outdoor burning violations.

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

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

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

(1) a Class C misdemeanor if the violation is a first violation and does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes ~~[waste is not a substance described by Subdivision (3)]~~;

(2) a Class B misdemeanor if the violation is a second or subsequent violation and:

(A) the violation does not involve the burning of:

(i) substances described by Subdivision (1); or

(ii) tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber; or

(B) the violation involves the burning of

1 substances described by Paragraph (A)(ii) and none of the prior  
2 violations involved the burning of substances described by  
3 Subdivision (1) or Paragraph (A)(ii) [~~under Subdivision (1)~~]; or

4 (3) a Class A misdemeanor if the violation:

5 (A) involves the burning of substances described  
6 by Subdivision (1); or

7 (B) is a second or subsequent violation and  
8 involves the burning of substances described by Subdivision  
9 (2)(A)(ii) and one or more of the prior violations involved the  
10 burning of substances described by Subdivision (1) or (2)(A)(ii)  
11 [~~tires, insulation on electrical wire or cable, treated lumber,~~  
12 ~~plastics, non-wood construction or demolition materials, heavy~~  
13 ~~oils, asphaltic materials, potentially explosive materials,~~  
14 ~~furniture, carpet, chemical wastes, or items containing natural or~~  
15 ~~synthetic rubber]~~.

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

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