

BILL ANALYSIS

Senate Research Center
85R24722 JCG-F

H.B. 1884
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Criminal Justice
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Litter and illegal dumping costs the state millions of dollars every year. In a study done by Texans for Clean Water in February 2017, the City of Houston spent over \$13 million in litter abatement alone. For context, Lufkin (pop. 36,000), spent \$149,000 for their litter abatement.

During a recent Texas Department of Transportation roadside litter survey, there has been an 81 percent increase in litter along our Farm to Market Roads. H.B. 1884 requires a convicted litterer to perform up to 60 community service hours by picking up litter or working at a recycling facility in the county of residence.

H.B. 1884 amends current law relating to the penalties for certain littering offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42A.304(e), Code of Criminal Procedure, as follows:

(e) Requires a defendant required to perform community service under this article (Community Service) after conviction of an offense under Section 352.082 (Outdoor Burning of Household Refuse in Certain Residential Areas), Local Government Code, or Section 365.012 (Illegal Dumping; Discarding Lighted Materials; Criminal Penalties), 365.013 (Rules and Standards; Criminal Penalty), or 365.016 (Disposal of Litter in a Cave; Criminal Penalty), Health and Safety Code, rather than under Section 352.082, Local Government Code, to perform the amount of service ordered by the court, which is prohibited from exceeding 60 hours, rather than to perform 60 hours of service.

SECTION 2. Amends Section 365.012, Health and Safety Code, by adding Subsection (s), to require the court, on conviction of an offense under this section, to require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

SECTION 3. Amends Section 365.013, Health and Safety Code, by adding Subsection (d), to require the court, on conviction of an offense under this section, to require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

SECTION 4. Amends Section 365.016, Health and Safety Code, by adding Subsection (c), to require the court, on conviction of an offense under this section, to require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.