

## **BILL ANALYSIS**

C.S.H.B. 1884  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties claim that illegal dumping and littering cost the state significant amounts every year and note that some defendants convicted of similar offenses are required to perform community service by picking up litter or working at a recycling facility. C.S.H.B. 1884 seeks to include a person convicted of a certain littering or illegal dumping offense among those required to perform such community service.

### **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. 1884 amends the Code of Criminal Procedure and the Health and Safety Code to require a court to require a defendant, in addition to any fine or other penalty, to perform community service that consists of picking up litter or working at a recycling facility, as applicable, on conviction of an offense involving illegal dumping, discarding lighted material, disposal of litter or certain other substances in a cave, or a violation of a Texas Commission on Environmental Quality rule regarding processing and treating litter disposed of in an illegal manner. The bill changes the amount of such community service that a judge is so required to order from 60 hours of service to an amount of service ordered by the court, which may not exceed 60 hours.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1884 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

SECTION 1. Article 42A.304(e), Code of

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 42A.304(e), Code of

85R 26516

17.116.637

Substitute Document Number: 85R 24722

Criminal Procedure, is amended to read as follows:

(e) A defendant required to perform community service under this article after conviction of an offense under Section 352.082, Local Government Code, or Section 365.012, 365.013, or 365.016, Health and Safety Code, shall perform 60 hours of service. The community service must consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located.

SECTION 2. Section 365.012, Health and Safety Code, is amended.

SECTION 3. Section 365.013, Health and Safety Code, is amended.

SECTION 4. Section 365.016, Health and Safety Code, is amended.

SECTION 5. The changes in law made by this Act apply 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 6. This Act takes effect September 1, 2017.

Criminal Procedure, is amended to read as follows:

(e) A defendant required to perform community service under this article after conviction of an offense under Section 352.082, Local Government Code, or Section 365.012, 365.013, or 365.016, Health and Safety Code, shall perform the amount of service ordered by the court, which may not exceed 60 hours [of service]. The community service must consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.