88S30740 ANG-D

By:  Cunningham H.B. No. 153

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of diverting or impounding the flow of surface water in a manner that damages the property of another by the overflow of the water diverted or impounded.

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

SECTION 1.  Subchapter E, Chapter 7, Water Code, is amended by adding Section 7.1425 to read as follows:

Sec. 7.1425.  VIOLATION RELATING TO OVERFLOW CAUSED BY DIVERSION OF WATER. (a) A person who violates Section 11.086(a) commits an offense. A first offense under this section is a Class C misdemeanor. A subsequent offense under this section is a Class B misdemeanor.

(b)  It is a defense to prosecution under this section that the actor filled the mouth of a gully or slough up to the height of the adjoining banks of a river or creek as provided by Section 11.086(d).

SECTION 2.  This Act takes effect on the 91st day after the last day of the legislative session.