

By: Cunningham

H.B. No. 153

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the criminal offense of diverting or
3 impounding the flow of surface water in a manner that damages the
4 property of another by the overflow of the water diverted or
5 impounded.

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

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

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

14 (b) It is a defense to prosecution under this section that
15 the actor filled the mouth of a gully or slough up to the height of
16 the adjoining banks of a river or creek as provided by Section
17 11.086(d).

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