

By: Cunningham

H.B. No. 72

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.