

BILL ANALYSIS

H.B. 1904
By: Canales
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that balloon releases pose a significant environmental hazard as they can travel considerable distances before deflating and falling to the ground or in water, becoming litter and polluting ecosystems, and that balloon materials can pose a threat to wildlife and ranches. However, the Texas Litter Abatement Act does not classify balloons as litter. H.B. 1904 seeks to prevent the intentional release of balloons in outdoor settings and associated litter by creating a criminal offense under the Texas Litter Abatement Act while providing exceptions for balloons used in certain scientific or meteorological research as well as for hot air balloons that are recovered after launch.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

H.B. 1904 amends the Health and Safety Code to create the offense of release of a balloon for a person who intentionally releases or causes to be released a balloon inflated with lighter-than-air gas outside a roofed structure. The bill defines "balloon" as a bag of rubber, latex, Mylar, or similar inflatable material and makes it an exception to the application of the offense that the balloon was a hot air balloon recovered after launching or was a balloon released for scientific or meteorological purposes on behalf of a governmental agency or under a governmental contract. The bill establishes the following penalties for the offense:

- a Class C misdemeanor if:
 - the total weight of balloons released by the actor, after deflation, is five pounds or less; or
 - the total volume of balloons released by the actor, after deflation, is five gallons or less;
- a Class B misdemeanor if:
 - the total weight of balloons released by the actor, after deflation, is more than five pounds but less than 500 pounds; or
 - the total volume of balloons released by the actor, after deflation, is more than five gallons but less than 100 cubic feet;
- a Class A misdemeanor if:
 - the total weight of balloons released by the actor, after deflation, is 500 pounds or more but less than 1,000 pounds;

- the total volume of balloons released by the actor, after deflation, is 100 cubic feet or more but less than 200 cubic feet; or
- the balloon release was for a commercial purpose and either:
 - the total weight of balloons released by the actor, after deflation, is more than five pounds but less than 200 pounds; or
 - the total volume of balloons released by the actor, after deflation, is more than five gallons but less than 200 cubic feet; and
- a state jail felony if:
 - the total weight of balloons released by the actor, after deflation, is 1,000 pounds or more;
 - the total volume of balloons released by the actor, after deflation, is 200 cubic feet or more; or
 - the balloon release was for a commercial purpose and either:
 - the total weight of balloons released by the actor, after deflation, is 200 pounds or more; or
 - the total volume of balloons released by the actor, after deflation, is 200 cubic feet or more.

H.B. 1904 increases the punishment for a subsequent conviction of the offense to the punishment prescribed for the next higher category of offense, except that if the offense is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. The bill requires the court, on conviction of the offense, to require the defendant, in addition to the penalties prescribed by the bill, to perform community service consisting of picking up litter in the county in which the defendant resides or working at a recycling facility. The bill makes Penal Code provisions relating to preparatory offenses applicable to a release of a balloon offense and establishes that if conduct that constitutes such an offense also constitutes another offense, the actor may be prosecuted for either offense, but not both.

H.B. 1904 includes balloons among the combustible waste material that constitutes nondecayable solid waste that is litter for purposes of certain prohibited actions under the Texas Litter Abatement Act.

H.B. 1904 amends the Code of Criminal Procedure to make a conforming change.

EFFECTIVE DATE

September 1, 2025.