

1 AN ACT
2 relating to the penalty for certain outdoor burning violations.

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

4 SECTION 1. Section 7.187, Water Code, is amended to read as
5 follows:

6 Sec. 7.187. PENALTIES. (a) Except as provided by
7 Subsection (b), a [A] person convicted of an offense under this
8 subchapter is punishable by:

9 (1) a fine, as imposed under the section creating the
10 offense, of:

- 11 (A) not more than \$1,000;
12 (B) not less than \$1,000 or more than \$50,000;
13 (C) not less than \$1,000 or more than \$100,000;
14 (D) not less than \$1,000 or more than \$250,000;
15 (E) not less than \$2,000 or more than \$500,000;
16 (F) not less than \$5,000 or more than \$1,000,000;
17 (G) not less than \$10,000 or more than
18 \$1,500,000; or
19 (H) not more than twice the amount of the
20 required fee;

21 (2) confinement for a period, as imposed by the
22 section creating the offense, not to exceed:

- 23 (A) 30 days;
24 (B) 90 days;

- (C) 180 days;
- (D) one year;
- (E) two years;
- (F) five years;
- (G) 10 years;
- (H) 15 years;
- (I) 20 years; or
- (J) 30 years; or

(3) both fine and confinement, as imposed by the section creating the offense.

(b) Notwithstanding Section 7.177(a)(5), conviction for an offense under Section 382.018, Health and Safety Code, is punishable as:

(1) a Class C misdemeanor if the waste is not a substance described by Subdivision (3);

(2) a Class B misdemeanor if the violation is a second or subsequent violation under Subdivision (1);

(3) a Class A misdemeanor if the violation involves the burning of tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, furniture, carpet, chemical wastes, or items containing natural or synthetic rubber.

SECTION 2. The change in law made by this Act applies 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 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense is committed before the effective date of
3 this Act if any element of the offense occurs before the effective
4 date.

5 SECTION 3. This Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

John Stroman

Speaker of the House

I certify that H.B. No. 857 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 857 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 857 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Ratsy Gawn

Secretary of the Senate

APPROVED:

19 JUN 09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Hunter III