

## **BILL ANALYSIS**

Senate Research Center  
77R10684 E

H.B. 631  
By: Turner, Sylvester (Whitmire)  
Natural Resources  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

Illegal dumping, or the disposal of litter and solid waste in an unpermitted area, raises concerns regarding risks to public health and safety, decreasing property values, and diminishing quality of life. Although current law penalizes those convicted of illegal dumping, several communities in Texas have witnessed an increase in illegal dumping. H.B. 631 decreases the minimum weights of litter or other solid waste that constitute certain offenses of illegal dumping and authorizes the prosecution of a misdemeanor offense without alleging or proving any culpable mental state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 365.012, Health and Safety Code, by amending Subsections (d)-(l) and adding Subsections (m) and (n), as follows:

- (d) Provides that an offense under this section is a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs more than five, rather than 15, pounds or has a volume of more than five, rather than 13, gallons.
- (e) Makes conforming changes.
- (f) Sets forth that an offense under this section is a Class A misdemeanor if certain conditions exit.
- (g) Sets forth that an offense under this section is a state jail felony if the litter or solid waste to which the offense applies meets certain conditions.
- (m) Created from existing text.
- (n) Authorizes an offense under this section to be prosecuted without alleging or proving any culpable mental state, unless the offense is a state jail felony.

SECTION 2. Effective date: September 1, 2001.

- (b) Provides that the change in law made by this Act applies only to an offense committed on or after September 1, 2001. Provides that an offense is committed before September 1, 2001, if any element of the offense occurs before that date.
- (c) Makes application of this Act prospective.