

## **BILL ANALYSIS**

Senate Research Center

H.B. 1126  
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Criminal Justice  
5/3/2001  
Engrossed

### **DIGEST AND PURPOSE**

Texas has experienced severe drought in the past few years which increases the probability of wildfires. H.B. 1126 provides that a person commits a misdemeanor offense if the person discards a lighted match, cigarette, cigar, or other lighted material onto open-space land, a private or public road or related right-of-ways, a public highway or its right-of-way, or onto a railroad right-of-way.

### **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 Chapter 28, Penal Code, by adding Section 28.09, as follows:

Sec. 28.09. DISCARDING LIGHTED MATERIALS. (a) Provides that a person commits an offense if the person discards a lighted match, lighted cigarette or cigar, or other lighted material onto open-space land, onto a private road or the right-of-way of a private road, onto a public highway or other public road or the right-of-way of a public highway or other public road, or onto a railroad right-of-way.

(b) Provides that except as provided by Subsection (c), an offense under Subsection (a) is a misdemeanor punishable by a fine not to exceed \$100.

(c) Provides that if a fire is ignited as the result of the commission of an offense under Subsection (a) and the fire continues after ignition, an offense under Subsection (a) is a misdemeanor punishable by a fine not to exceed \$500; confinement in jail for a term not to exceed 30 days; or both the fine and confinement.

(d) Provides that it is an affirmative defense to prosecution under Subsection (a) that the person discarded the lighted item or material in connection with controlled burning the person was conducting in the area into which the lighted item or material was discarded.

(e) Requires the operator of a public conveyance in which smoking tobacco is allowed to post a copy of this section in a conspicuous place within the portions of the public conveyance in which smoking is allowed.

SECTION 2. Effective date: September 1, 2001.