

## **BILL ANALYSIS**

Senate Research Center  
77R6805 JAT-D

S.B. 906  
By: Shapleigh  
Natural Resources  
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As Filed

### **DIGEST AND PURPOSE**

Currently, illegal dumping of trash is an epidemic throughout El Paso County and most other border communities. While offenses for littering currently exist, the amounts needed to constitute a violation are too low to serve as a deterrent. As proposed, S.B. 906 enhances the penalties for illegal dumping and requires the payment of an illegal dumping fee by those convicted of these offenses. S.B. 906 also allows a court to order that the convicted person's driver's license be suspended.

### **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 Sections 365.012(d) and (e), Health and Safety Code, to provide that an offense under this section is a Class C misdemeanor if the litter or other waste to which the offense applies weighs five, rather than 15, pounds or less or has a volume of five, rather than 13, gallons or less. Makes conforming changes.

SECTION 2. Amends Chapter 365B, Health and Safety Code, by adding Section 365.018, as follows:

Sec. 365.018. PAYMENT OF ILLEGAL DUMPING CLEANUP FEES. Requires a person convicted of an offense under this subchapter to pay to the court a \$5 illegal dumping cleanup fee as a cost of the court. Requires the court to deposit fees received under this section to the credit of the illegal dumping cleanup account. Provides that the illegal dumping cleanup account is an account in the general revenue fund that is appropriated only for the enforcement of this subchapter and for the cleanup of illegal dumping. Authorizes the court, on conviction of a person of an offense under this subchapter, to order the Department of Public Safety to suspend the person's driver's license or permit or, if the person does not have a driver's license or permit, to deny the issuance of a license or permit to the person.

SECTION 3. Amends the heading to Section 521.320, Transportation Code, to read as follows:

Sec. 521.320. SUSPENSION FOR CERTAIN CRIMINAL MISDEMEANOR OFFENSES; LICENSE DENIAL.

SECTION 4. Amends Sections 521.320(a) and (b), Transportation Code, to authorize a court to order the Department of Public Safety (department) to order the department to suspend a person's driver's license on conviction of an offense under Section 28.08 (Graffiti), Penal Code, or Subchapter B, Chapter 365 (Certain Actions Prohibited), Health and Safety Code. Makes a conforming change.

SECTION 5. Effective date: September 1, 2001.  
Makes application of this Act prospective.