

By: Coleman

H.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the offense of failure to comply with an order from a
3 fire marshal and the authority of certain county employees to issue
4 citations for certain violations; changing a criminal penalty.

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

6 SECTION 1. Section 352.022, Local Government Code, is
7 amended to read as follows:

8 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a)
9 A person [~~An owner or occupant~~] who is subject to an order issued
10 under Section 352.016 commits an offense if that person fails to
11 comply with the order. Each refusal to comply is a separate
12 offense.

13 (b) Except as provided by Subsection (c), (d), or (e), an
14 [The] offense under this section is a Class C [B] misdemeanor.

15 (c) An offense under this section is a Class A misdemeanor
16 if the commission of the offense results in bodily injury or death.

17 (d) Unless Subsection (c) applies, if it is shown on the
18 trial of the offense that the defendant has been previously
19 convicted under this section, the offense is a Class B misdemeanor.

20 (e) If [~~unless~~] it is shown on the trial of the offense that
21 the defendant has been previously convicted two or more times under
22 this section, [~~in which event~~] the offense is a state jail felony.

23 SECTION 2. Subchapter B, Chapter 352, Local Government
24 Code, is amended by adding Section 352.0221 to read as follows:

1 Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY EMPLOYEES TO
2 ISSUE CITATION. (a) The commissioners court of a county with a
3 population of 3.3 million or more may grant the authority to issue a
4 citation under this section to a county employee who:

5 (1) is certified by the Texas Commission on Fire
6 Protection as a fire inspector;

7 (2) conducts fire or life safety inspections under
8 Section 352.016; and

9 (3) is not a peace officer.

10 (b) The employee may issue a citation in the unincorporated
11 area of the county only for:

12 (1) an offense under Section 352.022; or

13 (2) a violation of an order relating to fire or life
14 safety issued by the commissioners court that is reasonably
15 necessary to protect public safety and welfare.

16 (c) A citation issued under this section must state:

17 (1) the name of the person cited;

18 (2) the violation charged; and

19 (3) the time and place the person is required to appear
20 in court.

21 (d) If a person who receives a citation under this section
22 fails to appear in court on the return date of the citation, the
23 court may issue a warrant for the person's arrest for the violation
24 described in the citation.

25 SECTION 3. Section 352.022, Local Government Code, as
26 amended by this Act, applies only to an offense committed on or
27 after the effective date of this Act. An offense committed before

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

6 SECTION 4. This Act takes effect September 1, 2021.