

1-1 By: Coleman (Senate Sponsor - Miles) H.B. No. 1240  
1-2 (In the Senate - Received from the House April 26, 2021;  
1-3 May 6, 2021, read first time and referred to Committee on Local  
1-4 Government; May 19, 2021, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 19, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Bettencourt</u>	X		
1-10	<u>Menéndez</u>	X		
1-11	<u>Eckhardt</u>	X		
1-12	<u>Gutierrez</u>	X		
1-13	<u>Hall</u>	X		
1-14	<u>Nichols</u>	X		
1-15	<u>Paxton</u>	X		
1-16	<u>Springer</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1240 By: Eckhardt

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the offense of failure to comply with an order from a  
1-22 fire marshal and the authority of certain county employees to issue  
1-23 citations for certain violations; changing a criminal penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 352.022, Local Government Code, is  
1-26 amended to read as follows:

1-27 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a)  
1-28 A person [An owner or occupant] who is subject to an order issued  
1-29 under Section 352.016 commits an offense if that person fails to  
1-30 comply with the order. Each refusal to comply is a separate  
1-31 offense.

1-32 (b) Except as provided by Subsection (c), (d), or (e), an  
1-33 [The] offense under this section is a Class C [B] misdemeanor.

1-34 (c) An offense under this section is a Class A misdemeanor  
1-35 if the commission of the offense results in bodily injury or death.

1-36 (d) Unless Subsection (c) applies, if it is shown on the  
1-37 trial of the offense that the defendant has been previously  
1-38 convicted under this section, the offense is a Class B misdemeanor.

1-39 (e) If [unless] it is shown on the trial of the offense that  
1-40 the defendant has been previously convicted two or more times under  
1-41 this section, [in which event] the offense is a state jail felony.

1-42 SECTION 2. Subchapter B, Chapter 352, Local Government  
1-43 Code, is amended by adding Section 352.0221 to read as follows:

1-44 Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY EMPLOYEES TO  
1-45 ISSUE CITATION. (a) This section applies only to:

1-46 (1) a county with a population of 3.3 million or more;  
1-47 and

1-48 (2) a county with a population of 550,000 or more  
1-49 adjacent to a county with a population of 3.3 million or more.

1-50 (b) The commissioners court of a county to which this  
1-51 section applies may grant the authority to issue a citation under  
1-52 this section to a county employee who:

1-53 (1) is certified by the Texas Commission on Fire  
1-54 Protection as a fire inspector;

1-55 (2) conducts fire or life safety inspections under  
1-56 Section 352.016; and

1-57 (3) is not a peace officer.

1-58 (c) The employee may issue a citation in the unincorporated  
1-59 area of the county only for:

1-60 (1) an offense under Section 352.022; or

2-1 (2) a violation of an order relating to fire or life  
2-2 safety issued by the commissioners court that is reasonably  
2-3 necessary to protect public safety and welfare.

2-4 (d) A citation issued under this section must state:

2-5 (1) the name of the person cited;

2-6 (2) the violation charged; and

2-7 (3) the time and place the person is required to appear  
2-8 in court.

2-9 (e) This section does not authorize the employee to arrest a  
2-10 person.

2-11 (f) If a person who receives a citation under this section  
2-12 fails to appear in court on the return date of the citation, the  
2-13 court may issue a warrant for the person's arrest for the violation  
2-14 described in the citation.

2-15 SECTION 3. Section 352.022, Local Government Code, as  
2-16 amended by this Act, applies only to an offense committed on or  
2-17 after the effective date of this Act. An offense committed before  
2-18 the effective date of this Act is governed by the law in effect on  
2-19 the date the offense was committed, and the former law is continued  
2-20 in effect for that purpose. For purposes of this section, an  
2-21 offense was committed before the effective date of this Act if any  
2-22 element of the offense was committed before that date.

2-23 SECTION 4. This Act takes effect September 1, 2021.

2-24 \* \* \* \* \*