

1-1 By: Miles S.B. No. 658
 1-2 (In the Senate - Filed February 11, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 27, 2021, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 27, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the offense of failure to comply with an order from a
 1-20 fire marshal and the authority of certain county employees to issue
 1-21 citations for certain violations; changing a criminal penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 352.022, Local Government Code, is
 1-24 amended to read as follows:

1-25 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a)
 1-26 A person [An owner or occupant] who is subject to an order issued
 1-27 under Section 352.016 commits an offense if that person fails to
 1-28 comply with the order. Each refusal to comply is a separate
 1-29 offense.

1-30 (b) Except as provided by Subsection (c), (d), or (e), an
 1-31 [The] offense under this section is a Class C [B] misdemeanor.

1-32 (c) An offense under this section is a Class A misdemeanor
 1-33 if the commission of the offense results in bodily injury or death.

1-34 (d) Unless Subsection (c) applies, if it is shown on the
 1-35 trial of the offense that the defendant has been previously
 1-36 convicted under this section, the offense is a Class B misdemeanor.

1-37 (e) If [unless] it is shown on the trial of the offense that
 1-38 the defendant has been previously convicted two or more times under
 1-39 this section, [in which event] the offense is a state jail felony.

1-40 SECTION 2. Subchapter B, Chapter 352, Local Government
 1-41 Code, is amended by adding Section 352.0221 to read as follows:

1-42 Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY EMPLOYEES TO
 1-43 ISSUE CITATION. (a) The commissioners court of a county with a
 1-44 population of 3.3 million or more may grant the authority to issue a
 1-45 citation under this section to a county employee who:

1-46 (1) is certified by the Texas Commission on Fire
 1-47 Protection as a fire inspector;

1-48 (2) conducts fire or life safety inspections under
 1-49 Section 352.016; and

1-50 (3) is not a peace officer.

1-51 (b) The employee may issue a citation in the unincorporated
 1-52 area of the county only for:

1-53 (1) an offense under Section 352.022; or

1-54 (2) a violation of an order relating to fire or life
 1-55 safety issued by the commissioners court that is reasonably
 1-56 necessary to protect public safety and welfare.

1-57 (c) A citation issued under this section must state:

1-58 (1) the name of the person cited;

1-59 (2) the violation charged; and

1-60 (3) the time and place the person is required to appear
 1-61 in court.

2-1 (d) If a person who receives a citation under this section
2-2 fails to appear in court on the return date of the citation, the
2-3 court may issue a warrant for the person's arrest for the violation
2-4 described in the citation.

2-5 SECTION 3. Section 352.022, Local Government Code, as
2-6 amended by this Act, applies only to an offense committed on or
2-7 after the effective date of this Act. An offense committed before
2-8 the effective date of this Act is governed by the law in effect on
2-9 the date the offense was committed, and the former law is continued
2-10 in effect for that purpose. For purposes of this section, an
2-11 offense was committed before the effective date of this Act if any
2-12 element of the offense was committed before that date.

2-13 SECTION 4. This Act takes effect September 1, 2021.

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