

By: Jones of Harris

H.B. No. 716

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 peace officers to
4 issue citations for certain violations; changing a criminal
5 penalty.

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

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

9 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a)
10 A person [~~An owner or occupant~~] who is subject to an order issued
11 under Section 352.016 or 352.0165 commits an offense if that person
12 fails to comply with the order. Each refusal to comply is a
13 separate offense.

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

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

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

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

24 SECTION 2. Subchapter B, Chapter 352, Local Government

1 Code, is amended by adding Section 352.0221 to read as follows:

2 Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY PEACE OFFICERS
3 TO ISSUE CITATION. (a) This section applies only to:

4 (1) a county with a population of four million or more;
5 and

6 (2) a county with a population of 650,000 or more
7 adjacent to a county with a population of four million or more.

8 (b) The commissioners court of a county to which this
9 section applies may grant the authority to issue a citation under
10 this section to a peace officer, as described by Article 2A.001,
11 Code of Criminal Procedure, who is employed by the county and who:

12 (1) is certified by the Texas Commission on Fire
13 Protection as a fire inspector; and

14 (2) conducts fire or life safety inspections under
15 Section 352.016.

16 (c) The peace officer may issue a citation in the
17 unincorporated area of the county only for:

18 (1) an offense under Section 352.022; or

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

22 (d) A citation issued under this section must state:

23 (1) the name of the person cited;

24 (2) the violation charged; and

25 (3) the time and place the person is required to appear
26 in court.

27 (e) This section does not authorize the peace officer to

1 arrest a person.

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

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

14 SECTION 4. This Act takes effect September 1, 2025.