

BILL ANALYSIS

H.B. 2626
By: Smith, Wayne
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1989 the Texas Legislature enacted a bill to allow populous counties to charge if the Sheriff's office responds to a false alarm.

H.B. 2626 clarifies that a county may also charge for responses by county Constables. Further, H.B. 2626 clarifies that counties may contract with a private vendor or attorney for the collection of delinquent false alarm fees pursuant to Article 103.0031 of the Code of Criminal Procedure and that a civil action may be filed to collect on all false alarm fees and fines.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends the heading to Section 118.133, Local Government Code, to read "SHERIFF'S AND CONSTABLE'S RESPONSE TO FALSE ALARM IN POPULOUS COUNTY."

SECTION 2. Amends Sections 118.133(a) and (c), Local Government Code, as follows:

- (a) Adds that a response by the constable's office to a false alarm incurs the same fees as if the sheriff's office responds.
- (c) The amount of the fee may not exceed the amount of the actual costs incurred by the constable's office.

SECTION 3. Amends Subchapter D, Chapter 233, Local Government Code by adding Section 233.098 which authorizes the appropriate attorney representing the county to file a civil action to recover a penalty or fee imposed by a county under Subchapter D.

SECTION 4. Amends Articles 103.0031(a), (b), and (f), Code of Criminal Procedure, as follows:

- (a) Authorizes the commissioners court or governing body of a municipality to enter into a contract with a private attorney or public or private vendor for the collection of services for false alarm penalties or fees imposed by a county under Chapter 118 or 233, Local Government Code, or by a municipality under a municipal ordinance.
- (b) Eliminates some inconsistent wording in the current language.
- (f) With respect to a false alarm fee, an item subject to collection services or additional collection fees is considered more than 60 days past due if it is unpaid on the 61st day after the date on which a penalty or fee is due under a rule or order adopted under Chapter 233, Local Government Code, or an ordinance, policy, procedure, or rule of a municipality.

SECTION 5. Repeals Section 233.029(b), Local Government Code.

SECTION 6. Changes in law made by this Act by adding Section 233.098, Local Government Code, and by amending Articles 103.0031(a) and (f), Code of Criminal Procedure, apply to a penalty or fee that is imposed in relation to a false alarm occurring before, on, or after the effective date of this Act and that is unpaid on or after that date.

SECTION 7. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.