

By: Goolsby

H.B. No. 1454

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the enforcement of the prohibition of the sale
3 fireworks to an intoxicated person and to the prosecution of
4 offenses involving fireworks.

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

6 SECTION 1. Section 2154.252(e), Occupations Code, is added
7 to read as follows:

8 (e) For purposes of Subsection (c), reasonable efforts to
9 determine that potential purchasers of fireworks are intoxicated
10 may include the use of a device with a deep-lung breath analysis
11 mechanism to determine if a potential purchaser is intoxicated.

12 SECTION 2. Section 2154.303(c), Occupations Code, is
13 amended to read as follows:

14 (c) A violation of Section 2154.251(a)(1), (2), (3), (4), or
15 (5) that results in property damage in an amount of less than \$200
16 and does not result in bodily injury or death is a Class C
17 misdemeanor. A violation of Section 2154.252(c) is a Class C
18 misdemeanor.

19 SECTION 3. (a) The changes in law made by this Act apply
20 only to an offense committed on or after the effective date of this
21 Act. For purposes of this section, an offense is committed before
22 the effective date of this Act if any element of the offense occurs
23 before that date.

24 (b) An offense committed before the effective date of this

1 Act is covered by the law in effect when the offense was committed,
2 and the former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect June 20, 2005, if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2005.