

By: Laubenberg

H.B. No. 1543

A BILL TO BE ENTITLED

AN ACT

1
2 relating to including within conduct proscribed by the offense of
3 obstructing a highway or other passageway certain conduct involving
4 the discharge of fireworks.

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

6 SECTION 1. Sections 42.03(a) and (c), Penal Code, are
7 amended to read as follows:

8 (a) A person commits an offense if, without legal privilege
9 or authority, the person [~~he~~] intentionally, knowingly, or
10 recklessly:

11 (1) obstructs a highway, street, sidewalk, railway,
12 waterway, elevator, aisle, hallway, entrance, or exit to which the
13 public or a substantial group of the public has access, or any other
14 place used for the passage of persons, vehicles, or conveyances,
15 regardless of the means of creating the obstruction and whether the
16 obstruction arises from his acts alone or from his acts and the acts
17 of others; [~~or~~]

18 (2) disobeys a reasonable request or order to move
19 issued by a person the actor knows to be or is informed is a peace
20 officer, a fireman, or a person with authority to control the use of
21 the premises:

22 (A) to prevent obstruction of a highway or any of
23 those areas mentioned in Subdivision (1); or

24 (B) to maintain public safety by dispersing those

1 gathered in dangerous proximity to a fire, riot, or other hazard; or

2 (3) discharges fireworks, as defined by Section
3 2154.001, Occupations Code:

4 (A) within 300 feet of a highway, street,
5 sidewalk, railway, waterway, elevator, aisle, hallway, entrance,
6 or exit to which the public or a substantial group of the public has
7 access, or any other place used for the passage of persons,
8 vehicles, or conveyances; and

9 (B) in a manner reasonably likely to disrupt the
10 passage of persons, vehicles, or conveyances.

11 (c) An offense under Subsection (a)(1) or (a)(2) [~~this~~
12 ~~section~~] is a Class B misdemeanor. An offense under Subsection
13 (a)(3) is a Class C misdemeanor.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.