

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1629 by Brown, Betty (Relating to creating an offense for certain conduct involving the discharge of fireworks in certain locations.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would create as a Class C misdemeanor the act of, in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another, an individual discharges fireworks within 30 feet of a residential dwelling or commercial building or projects the fireworks directly at or toward a residential dwelling or commercial building. The bill also would offer a defense to prosecution for discharge of fireworks near a residential dwelling if the person that discharged the fireworks owned, leased, or had the right to occupy the dwelling at the time of the offense. The provisions of the bill would not preempt the right of a municipality to pass an ordinance to regulate the discharge of fireworks within its borders.

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

Enforcement, prosecution, and punishment imposed for the proposed offense is not anticipated to have a significant fiscal impact.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DLBa