

BILL ANALYSIS

C.S.H.B. 1906
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Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legislation passed during the 79th session set a municipal permit fee for alarms at residential locations but did not specify a fee for commercial location. A \$100 permit fee for alarms at commercial locations has been accepted by law enforcement entities and is generally accepted by the alarm industry.

Legislation passed during the 79th session also provided that a municipality is authorized to require an alarms system monitor to attempt to contact the occupant of an alarm system location twice before the municipality responds to the alarm signal. In practice, few municipalities have adopted this requirement. This is a proven method of reducing false alarms which the alarm industry supports.

C.S.H.B. 1906, as proposed, applies a \$100 permit fee to commercial alarms and hopes to reduce the drain on police resources caused by false alarms by requiring alarm monitoring companies to attempt twice to verify the emergency before requesting police to respond to the alarm location.

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 Section 214.194(b), Local Government Code, to provide that a municipal permit fee imposed under that section may not exceed the rate of \$100 a year for a commercial location.

SECTION 2. Amends Section 214.195(a), Local Government Code to add a commercial permit to existing law and that provides that, except as provided in Subsection (d), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

SECTION 3. Amends Section 214.198, Local Government Code, to require two attempts by an alarm systems monitor to contact the occupant of the alarm system location before the municipality responds to the alarm signal.

SECTION 4. Amends Subchapter F, Chapter 214, Local Government Code, by adding Section 214.1985 to provide that a municipality is authorized to adopt an ordinance or policy requiring that the municipality be notified immediately on the activation of an alarm.

SECTION 5. Amends Section 214.199(a), Local Government Code, to state that the governing body of a municipality is prohibited from adopting a policy providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the policy, the governing body of the municipality makes reasonable efforts to notify permit holders of its intention to adopt the policy and conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.

SECTION 6. Provides that the change in law made to the fee a municipality may charge under Section 214.194, Local Government Code, as amended by the Act, applies only to a permit that expires on or after the effective date of the Act.

SECTION 7. Provides that the Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, and that if the Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1906 differs from the original bill in that the substitute does not remove language, removed by the original bill, regarding termination of response due to excess false alarms. The substitute also authorizes a municipality to adopt an ordinance or policy that the municipality be notified immediately on the activation of an alarm; the original did not.

The substitute also differs in that the substitute does not include the requirement that the governing body of a municipality hold an election prior to adopting an ordinance or policy providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality.

The original bill also contained a provision stating that the change in law to Section 214.199, Local government Code, as amended by this Act, applies only to an ordinance or policy adopted on or after the effective date of this Act; the substitute contains no such provision.