

## **BILL ANALYSIS**

C.S.H.B. 2703  
By: Woolley  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

County, municipal and state public health professionals carry out a variety of public duties that are mandated or authorized by Texas statute. For example, environmental, public health and safety inspectors assess compliance with statutes regarding food safety, drinking water, surface water, air quality, sanitation and neighborhood nuisance as described in Chapters 341 and 343 of the Texas Health and Safety Code. Disease control personnel carry out measures authorized by Chapter 81 of the Health and Safety Code, such as managing patients with tuberculosis. Mosquito control personnel carry out community inspection, nuisance abatement and mosquito control activities as described in Chapter 344 of the Texas Health and Safety Code.

Due to the nature of these tasks, which include entering private businesses, homes and property to conduct inspections and assessments, respond to citizen complaints, issue penalties, carry out disease control measures and abate nuisances, public health professionals sometimes face hostile and dangerous situations. C.S.H.B. 2703 creates an offense if a person interferes with the duties of a person with responsibilities for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality.

### **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**

Committee Substitute to House Bill 2703 amends Section 38.15, Penal Code, to provide that a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a person with responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state, a county, or a municipality while that person is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code. Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute provides that a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a person with responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state, a county, or a municipality while that person is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code. The original included a person with responsibility for assessing, enacting, or enforcing public health, environmental, or safety measures in a county or municipality while the person is performing a duty or exercising authority imposed or granted under Chapter 81, 121, 341, 343, 344, 361, 365, 366, 382, 431, 432, 433, 437, or 438, Health and Safety Code, or Chapter 7 or 26, Water Code.