

By: Isaac

H.B. No. 2180

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of disorderly conduct involving unreasonable noise.

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

SECTION 1. Section 42.01(c), Penal Code, is amended to read as follows:

(c) For purposes of this section:

(1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and

(2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 60 [~~85~~] after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.