

By: Rodriguez

S.B. No. 608

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of fireworks by counties; imposing a  
3 criminal penalty.

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

5 SECTION 1. Subchapter C, Chapter 352, Local Government  
6 Code, is amended by adding Section 352.052 to read as follows:

7 Sec. 352.052. FIREWORKS FEE. A county may impose a fee on a  
8 person who sells fireworks in the unincorporated area of the  
9 county. The fee may be used only to offset the costs of providing  
10 additional county services resulting from fireworks sales,  
11 including firefighting services, litter abatement services, and  
12 traffic management services.

13 SECTION 2. Section 42.01(a), Penal Code, is amended to read  
14 as follows:

15 (a) A person commits an offense if he intentionally or  
16 knowingly:

17 (1) uses abusive, indecent, profane, or vulgar  
18 language in a public place, and the language by its very utterance  
19 tends to incite an immediate breach of the peace;

20 (2) makes an offensive gesture or display in a public  
21 place, and the gesture or display tends to incite an immediate  
22 breach of the peace;

23 (3) creates, by chemical means, a noxious and  
24 unreasonable odor in a public place;

1           (4) abuses or threatens a person in a public place in  
2 an obviously offensive manner;

3           (5) makes unreasonable noise in a public place other  
4 than a sport shooting range, as defined by Section 250.001, Local  
5 Government Code, or in or near a private residence that he has no  
6 right to occupy;

7           (6) fights with another in a public place;

8           (7) discharges a firearm in a public place other than a  
9 public road or a sport shooting range, as defined by Section  
10 250.001, Local Government Code;

11           (8) displays a firearm or other deadly weapon in a  
12 public place in a manner calculated to alarm;

13           (9) discharges a firearm on or across a public road;

14           (10) exposes his anus or genitals in a public place and  
15 is reckless about whether another may be present who will be  
16 offended or alarmed by his act; [~~or~~]

17           (11) for a lewd or unlawful purpose:

18                   (A) enters on the property of another and looks  
19 into a dwelling on the property through any window or other opening  
20 in the dwelling;

21                   (B) while on the premises of a hotel or  
22 comparable establishment, looks into a guest room not the person's  
23 own through a window or other opening in the room; or

24                   (C) while on the premises of a public place,  
25 looks into an area such as a restroom or shower stall or changing or  
26 dressing room that is designed to provide privacy to a person using  
27 the area; or

1           (12) explodes or ignites fireworks in a public place  
2 or near a private residence.

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