

BILL ANALYSIS

C.S.H.B. 555
By: Callegari
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent reports indicate that there has been a rash of metal thefts in the Houston area, which has been very costly to local taxpayers. It is reported that thieves have been targeting municipal water lift stations and water plants and stealing wire, piping, and other valuable metals, and that the damage results in interrupted water supplies to businesses and neighborhoods and can cost tens of thousands of dollars to repair. Interested parties contend that the criminals sell the stolen metal to recycling facilities, and while such facilities must adhere to a number of reporting requirements, including determining the source of the metal and reporting sales to counties or municipalities, many of the recycling facilities have failed to perform the required due diligence. The interested parties further contend that by denying metal thieves an easy buyer, much of the financial incentive to steal these expensive metals is eliminated. C.S.H.B. 555 seeks to address this issue by creating a criminal offense for certain violations of the law regulating metal recycling.

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

C.S.H.B. 555 amends the Occupations Code to increase from a general misdemeanor to a Class A misdemeanor with a maximum fine of \$10,000 the penalty for knowingly violating statutory provisions relating to the registration requirements of a metal recycling entity, the term of a certificate of registration for a metal recycling entity, the furnishing of a certain required report to the Department of Public Safety, and the hours authorized for purchasing regulated material.

C.S.H.B. 555 makes it a Class C misdemeanor to violate statutory provisions relating to metal recycling entities or a rule adopted under such provisions, including a rule, charter, or ordinance adopted, an order issued, or a standard imposed by a county, municipality, or political subdivision that is more stringent than but does not conflict with the statutory provisions or the rules adopted by the Public Safety Commission under those provisions. The bill establishes that, if conduct that constitutes such an offense also constitutes an offense under other statutory provisions relating to metal recycling entities, the person may be prosecuted only under the other provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 555 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences

between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Subchapter E, Chapter 1956, Occupations Code, is amended by adding Section 1956.204 to read as follows:

Sec. 1956.204. GENERAL CRIMINAL PENALTY. (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter, including a rule, charter, or ordinance adopted, an order issued, or a standard imposed by a county, municipality, or political subdivision under Section 1956.003.

(b) An offense under this section is a Class C misdemeanor.

(c) If conduct that constitutes an offense under this section also constitutes an offense under another section in this chapter, the person may be prosecuted only under that other section.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2013.

83R 21572

Substitute Document Number: 83R 7157

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1956.040(a-2), Occupations Code, is amended to read as follows:

(a-2) An offense under Subsection (a-1) is a Class A misdemeanor, except that any ~~[punishable by a]~~ fine imposed may not ~~[to]~~ exceed \$10,000. If ~~[, unless]~~ it is shown on trial of an ~~[the]~~ offense under Subsection (a-1) that the person has previously been convicted of a violation of that subsection, ~~[Subsection (a-1), in which event]~~ the offense is a state jail felony.

SECTION 2. Same as introduced version.

SECTION 3. 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 4. Same as introduced version.

13.100.410