

By: Isaac

H.B. No. 956

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offense of disorderly conduct
3 involving certain unreasonable noise.

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

5 SECTION 1. Section 42.01, Penal Code, is amended by
6 amending Subsection (c) and adding Subsection (g) to read as
7 follows:

8 (c) For purposes of this section:

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

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

16 (A) 85; or

17 (B) 70, if the noise:

18 (i) is made in an unincorporated area
19 during the nighttime; and

20 (ii) emanates from a device that produces,
21 amplifies, or projects music or other sound.

22 (g) For purposes of Subsection (c)(2), "nighttime" means
23 the period:

24 (1) beginning at 11 p.m. on Friday or Saturday or at 10

1 p.m. on any other day; and

2 (2) ending immediately before 6 a.m. on the following
3 day.

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

12 SECTION 3. This Act takes effect September 1, 2013.