

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2162
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that, as alarm system products have proliferated and grown in sophistication, Texas alarm system regulations have become outdated. C.S.H.B. 2162 seeks to reform the law concerning alarm systems.

C.S.H.B. 2162:

- Creates stronger support for cities to revoke alarm response to chronic false alarm locations.
- Addresses the problem of non-licensed alarm companies reporting alarms to local police departments and potentially wasting police time and resources.
- Helps the public by placing a reasonable ceiling on non-residential burglar alarm permit fees.
- Allows people who choose not to utilize local police for their alarm response to not have to pay for a municipal alarm permit that they do not need. (A municipality cannot force someone to connect their alarm to a municipal response system.)
- Involves less hassle for local police. The bill supports law enforcement increasing their priority response levels in situations involving crime and live video surveillance.
- Replaces a conditional time constraint on police departments responding to alarms.

C.S.H.B. 2162 amends current law amends current law relating to municipal regulation of the use of alarm systems and authorizes a municipal fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 214.191, Local Government Code, as follows:

Sec. 214.191. DEFINITIONS. Defines "alarm systems monitor" and "false alarm."
Makes nonsubstantive changes.

SECTION 2. Amends Section 214.194(b), Local Government Code, as follows:

(b) Provides that a municipal permit fee imposed under this section for an alarm system is prohibited from exceeding the rate of:

- (1) Creates this subdivision from existing text and makes no further change; and
- (2) \$250 a year for other alarm system locations.

SECTION 3. Amends the heading to Section 214.195, Local Government Code, to read as follows:

Sec. 214.195. **NONRENEWAL OR REVOCATION OF PERMIT; TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED.**

SECTION 4. Amends Section 214.195, Local Government Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Prohibits a municipality, except as provided in Subsections (d) (authorizing a municipality to revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period) and (e), rather than Subsection (d), from terminating its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

(e) Authorizes a municipality to refuse to respond to a location if the location has had more than eight other false alarms during the preceding 12-month period.

SECTION 5. Amends Section 214.196, Local Government Code, as follows:

Sec. 214.196. **ON-SITE INSPECTION REQUIRED.** Prohibits a municipality from considering a false alarm to have occurred unless a response is made by an agency of the municipality within a reasonable time, rather than within 30 minutes of the alarm notification, and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false.

SECTION 6. Amends Section 214.197, Local Government Code, as follows:

Sec. 214.197. **PENALTIES FOR FALSE ALARMS.** (a) Creates this subsection from existing text. Authorizes a municipality to impose a penalty on a person who uses an alarm system in the municipality for the report, rather than signaling, of a false alarm by an alarm systems monitor, rather than a burglar alarm system, if at least three other false alarms have occurred at that location during the preceding 12-month period. Prohibits the amount of the penalty for the report, rather than signaling, of a false alarm as described by Section 214.196 from exceeding certain amounts set forth.

(b) Prohibits a municipality from imposing a penalty authorized under Subsection (a) if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) Authorizes a municipality that adopts an ordinance requiring a person to obtain a permit from the municipality before the person to use an alarm system in the municipality to impose a penalty, not to exceed \$250, for the report of a false alarm by an alarm systems monitor on a person who has not obtained a permit for the alarm system as required by the municipal ordinance.

(d) Provides that a municipality:

(1) is authorized to impose a penalty, not to exceed \$250, for the report of a false alarm on a person not licensed under Chapter 1702 (Private Security), Occupations Code, that to any extent is reported or facilitated by the unlicensed person; and

(2) is prohibited from imposing a penalty for the report of a false alarm by a person licensed under Chapter 1702, Occupations Code.

(e) Prohibits a municipality from imposing or collecting any fine, fee, or penalty related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

SECTION 7. Amends the heading to Section 214.198, Local Government Code, to read as follows:

Sec. 214.198. PROCEDURES FOR REDUCING FALSE ALARMS.

SECTION 8. Amends Section 214.200(b), Local Government Code, to provide that a municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

SECTION 9. Amends Subchapter F, Chapter 214, Local Government Code, by adding Section 214.201, as follows:

Sec. 214.201. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER. (a) Provides that a property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. Authorizes a municipality to adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.

(b) Provides that, if an election is made under Subsection (a), the municipality:

- (1) may not impose a fee to obtain a permit to use the alarm system;
- (2) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and
- (3) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

SECTION 10. Provides that, with respect to a municipality that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. Provides that, during the period a contract described by this section is effective, the municipality is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 11. Effective date: upon passage or September 1, 2015.