

By: Canales

H.B. No. 461

Substitute the following for H.B. No. 461:

By: Herrero

C.S.H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an offense for smoking tobacco in a passenger vehicle with a child present.

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

SECTION 1. Chapter 48, Penal Code, is amended by adding Section 48.012 to read as follows:

Sec. 48.012. SMOKING TOBACCO IN PASSENGER VEHICLE WITH CHILD PRESENT. (a) A person commits an offense if:

(1) the person possesses a burning tobacco product or smokes tobacco in a passenger vehicle, as defined by Section 545.412, Transportation Code; and

(2) a child who is required to be secured in a child passenger safety seat system under Section 545.412, Transportation Code, is present in the vehicle.

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

(c) If a person who commits an offense under this section completes a parenting class approved by the judge, the judge may reduce the amount of the fine otherwise imposed by this section.

(d) A peace officer may not stop or detain a person who is the operator or an occupant of a passenger vehicle for the sole purpose of determining whether an offense under this section is being or has been committed.

SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 3. This Act takes effect September 1, 2015.