

By: Zerwas

H.B. No. 2352

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting smoking tobacco on the grounds of the Capitol Complex and in certain state buildings; creating a criminal offense; providing penalties.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.010 to read as follows:

Sec. 2165.010. PROHIBITION ON SMOKING TOBACCO ON GROUNDS OF CAPITOL COMPLEX AND IN CERTAIN STATE BUILDINGS. (a) In this section, "Capitol Complex" means the state-owned property located in Austin, Texas, within the area bounded on the north by 15th Street, bounded on the east by San Jacinto Street, bounded on the south by 11th Street, and bounded on the west by Lavaca Street.

(b) A person commits an offense if the person is in possession of a burning tobacco product or smokes tobacco:

(1) on the grounds of the Capitol Complex or in a state building in the Capitol Complex, including the Capitol and Capitol Extension; or

(2) in a state vehicle while in use on the grounds of the Capitol Complex.

(c) An offense under Subsection (b) is a Class C misdemeanor punishable by a fine not to exceed \$50.

(d) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally

1 convicted of an offense under that subsection that occurred within
2 one year before the date of the offense that is the subject of the
3 trial, on conviction the defendant shall be punished by a fine not
4 to exceed \$200.

5 (e) If it is shown on the trial of an offense under
6 Subsection (b) that the defendant has previously been finally
7 convicted of two offenses under that subsection that occurred
8 within one year before the date of the offense that is the subject
9 of the trial, on conviction the defendant shall be punished by a
10 fine not to exceed \$500.

11 (f) Except as modified by rules adopted under Subsection
12 (g), a state agency in charge and control of a state building in the
13 Capitol Complex shall notify persons entering or exiting the
14 building that smoking is prohibited by placing signs at each
15 entrance and exit to the building and in conspicuous locations in
16 the building and on the grounds of the building.

17 (g) The State Preservation Board shall adopt rules on:
18 (1) the enforcement of this section; and
19 (2) the notification the board will provide to persons
20 who enter the Capitol or Capitol Extension of the criminal penalty
21 that may be assessed under this section.

22 SECTION 2. As soon as practicable after the effective date
23 of this Act, the State Preservation Board shall adopt the rules and
24 take the actions necessary to implement Section 2165.260,
25 Government Code, as added by this Act.

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