

BILL ANALYSIS

C.S.H.B. 4024
By: Walle
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that noise levels in unincorporated residential areas of certain large counties are too high. C.S.H.B. 4024 seeks to address this issue by authorizing certain counties to regulate noise levels emanating from a residence located in a residential area in the unincorporated area of the county.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 4024 amends the Local Government Code to authorize the commissioners court of a county with a population of 3.3 million or more by order to regulate the level of noise emanating from a residence located in a residential area in the unincorporated area of the county. The bill creates a Class C misdemeanor offense for a person who violates such a regulation.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4024 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF NOISE LEVELS IN CERTAIN COUNTIES

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF NOISE LEVELS IN CERTAIN COUNTIES

Sec. 240.061. APPLICABILITY. This subchapter applies only to a county with a population of 3.3 million or more.

Sec. 240.062. AUTHORITY TO REGULATE; CITATION AND FINE. (a) The commissioners court by order may regulate noise levels emanating from a residence that affect residential areas in unincorporated areas of the county.

(b) The commissioners court may pass regulations that allow a peace officer, when a formal or informal complaint about noise levels emanating from a residential address has been made, to issue a citation for noise disturbance emanating from the offending residential address if the officer determines that noise levels emanating from the address exceed noise levels allowed under county regulations.

(c) The first citation for noise disturbance emanating from a specific residential address must be a warning citation. Subsequent citations for noise disturbance emanating from that address may be punished by a civil fine not to exceed \$500 per occurrence. The owner or lessee of the residence, as applicable, is responsible for paying the civil fine.

(d) A citation other than a warning citation issued under this section must state:

- (1) the address of the residence cited;
- (2) the violation charged;
- (3) the date by which the civil fine must be paid; and
- (4) the time and place the owner or lessee of the residence, as applicable, is required to appear in court in order to contest the citation.

SECTION 2. This Act takes effect September 1, 2017.

(See Sec. 240.061 below.)

Sec. 240.061. AUTHORITY TO REGULATE. To promote public health, safety, and welfare, the commissioners court of a county with a population of more than 3.3 million by order may regulate the level of noise emanating from a residence located in a residential area in the unincorporated area of the county.

Sec. 240.062. CRIMINAL PENALTY.

(a) A person commits an offense if the person violates a regulation adopted under this subchapter.

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

SECTION 2. Same as introduced version.