

By: Oliverson, Coleman, Geren

H.B. No. 1654

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of failure to comply with an order from a  
3 fire marshal and the authority of certain county employees to issue  
4 citations for certain violations.

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

6 SECTION 1. Section 352.022, Local Government Code, is  
7 amended to read as follows:

8 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a)  
9 A person [~~An owner or occupant~~] who is subject to an order issued  
10 under Section 352.016 commits an offense if that person fails to  
11 comply with the order. Each refusal to comply is a separate  
12 offense.

13 (b) Except as provided by Subsection (c) or (d), an [~~The~~]  
14 offense under this section is a Class C [~~B~~] misdemeanor.

15 (c) An offense under this section is a Class B misdemeanor  
16 if the commission of the offense results in:

17 (1) property damage in an amount of \$200 or more; or

18 (2) bodily injury or death.

19 (d) If [~~unless~~] it is shown on the trial of the offense that  
20 the defendant has been previously convicted two or more times under  
21 this section, [~~in which event~~] the offense is a state jail felony.

22 SECTION 2. Subchapter B, Chapter 352, Local Government  
23 Code, is amended by adding Section 352.0221 to read as follows:

24 Sec. 352.0221. CITATION. (a) The commissioners court of a

1 county may grant the authority to issue a citation under this  
2 section to a county employee who:

3 (1) is certified by the Texas Commission on Fire  
4 Protection as a fire inspector;

5 (2) conducts fire or life safety inspections under  
6 Section 352.016; and

7 (3) is not a peace officer.

8 (b) The employee may issue a citation in the unincorporated  
9 area of the county only for:

10 (1) an offense under Section 352.022; or

11 (2) a violation of an order relating to fire or life  
12 safety issued by the commissioners court that is reasonably  
13 necessary to protect public safety and welfare.

14 (c) A citation issued under this section must state:

15 (1) the name of the person cited;

16 (2) the violation charged; and

17 (3) the time and place the person is required to appear  
18 in court.

19 (d) If a person who receives a citation under this section  
20 fails to appear in court on the return date of the citation, the  
21 court may issue a warrant for the person's arrest for the violation  
22 described in the citation.

23 SECTION 3. Section 352.022, Local Government Code, as  
24 amended by this Act, applies only to an offense committed on or  
25 after the effective date of this Act. An offense committed before  
26 the effective date of this Act is governed by the law in effect on  
27 the date the offense was committed, and the former law is continued

1 in effect for that purpose. For purposes of this section, an  
2 offense was committed before the effective date of this Act if any  
3 element of the offense was committed before that date.

4 SECTION 4. This Act takes effect September 1, 2017.