

AN ACT

relating to the regulation of certain battery-charged fences by municipalities and counties.

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

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. BATTERY-CHARGED FENCES. (a) In this section, "alarm system" means an alarm system for which a permit may be issued under Subchapter F or F-1, Chapter 214, or Subchapter D, Chapter 233.

(b) This section applies only to a battery-charged fence that:

(1) interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(2) is located on property that is not designated by a municipality or county for residential use;

(3) has an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;

(4) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission as published in the commission's standards on June 29, 2018;

1           (5) is completely surrounded by a nonelectric  
2 perimeter fence or wall that is not less than five feet in height;

3           (6) is not more than the higher of:

4                   (A) 10 feet in height; or

5                   (B) two feet higher than the height of the  
6 nonelectric perimeter fence or wall; and

7           (7) is marked with conspicuous warning signs that are  
8 located on the battery-charged fence at not less than 60-foot  
9 intervals and that read: "WARNING--ELECTRIC FENCE."

10          (c) Notwithstanding any other law, a municipality or county  
11 may not adopt or enforce an ordinance, order, or regulation that:

12           (1) requires a permit for the installation or use of a  
13 battery-charged fence to which this section applies that is in  
14 addition to an alarm system permit issued by the municipality or  
15 county;

16           (2) imposes installation or operational requirements  
17 for:

18                   (A) the battery-charged fence that are  
19 inconsistent with the standards set by the International  
20 Electrotechnical Commission as published on June 29, 2018; or

21                   (B) an alarm system described by Subsection (b);  
22 or

23           (3) prohibits the installation or use of a  
24 battery-charged fence.

25          SECTION 2. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3371 was passed by the House on April 18, 2019, by the following vote: Yeas 146, Nays 1, 2 present, not voting; that the House concurred in Senate amendments to H.B. No. 3371 on May 24, 2019, by the following vote: Yeas 132, Nays 7, 2 present, not voting; and that the House adopted H.C.R. No. 186 authorizing certain corrections in H.B. No. 3371 on May 25, 2019, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3371 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate adopted H.C.R. No. 186 authorizing certain corrections in H.B. No. 3371 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor