

SENATE AMENDMENTS

2nd Printing

By: Cortez

H.B. No. 2584

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a code enforcement officer performing
3 official duties to possess or carry an instrument used for
4 deterring an animal bite.

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

6 SECTION 1. Section 46.15, Penal Code, is amended by adding
7 Subsection (h) to read as follows:

8 (h) The provisions of Sections 46.02 and 46.03 prohibiting
9 the possession or carrying of a club do not apply to a code
10 enforcement officer who:

11 (1) holds a certificate of registration issued under
12 Chapter 1952, Occupations Code; and

13 (2) possesses or carries an instrument used
14 specifically for deterring an animal bite while the officer is:

15 (A) performing official duties; or

16 (B) traveling to or from a place of duty.

17 SECTION 2. Section 1952.051, Occupations Code, is amended
18 by adding Subsection (c) to read as follows:

19 (c) The education requirements adopted under Subsection (b)
20 must include education regarding the principles and procedures to
21 be followed when possessing or carrying an instrument used
22 specifically for deterring an animal bite.

23 SECTION 3. Section 1952.1051, Occupations Code, is amended
24 to read as follows:

1 Sec. 1952.1051. CONTINUING EDUCATION. The commission by
2 rule shall prescribe continuing education requirements for code
3 enforcement officers and code enforcement officers in training
4 that:

5 (1) establish the number of hours of continuing
6 education required for renewal of a certificate of registration;

7 (2) establish an approved curriculum that includes
8 material regarding changes in applicable law and the principles and
9 procedures to be followed when possessing or carrying an instrument
10 used specifically for deterring an animal bite; and

11 (3) provide that the approved curriculum may be taught
12 by suitable public agencies and by private entities approved by the
13 department.

14 SECTION 4. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

Leta Spaw
Secretary of the Senate

By: *John Whitman*

H.B. No. 2584

Substitute the following for H.B. No. 2584 :

By: *John Whitman*

C.S.H.B. No. 2584

John Whitman

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7 (2) establish an approved curriculum that includes
8 material regarding changes in applicable law and the principles and
9 procedures to be followed when possessing or carrying an instrument
10 used specifically for deterring an animal bite; and

11 (3) provide that the approved curriculum may be taught
12 by suitable public agencies and by private entities approved by the
13 department.

14 SECTION 4. (a) As soon as practicable after the effective
15 date of this Act, the Texas Commission of Licensing and Regulation
16 shall adopt the rules necessary to implement Sections 1952.051 and
17 1952.1051, Occupations Code, as amended by this Act.

18 (b) A code enforcement officer shall complete the education
19 requirements described by Section 1952.051(c), Occupations Code,
20 as added by this Act, before the officer may possess or carry an
21 instrument used specifically for deterring an animal bite as
22 provided by Section 46.15(h), Penal Code, as added by this Act.

23 SECTION 5. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2584 by Cortez (Relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code and Occupations Code relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite. Based on information provided by the Texas Department of Licensing and Regulation and the Office of Court Administration, this analysis assumes the provisions of the bill can be implemented using existing resources. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect on September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 452
Department of Licensing and Regulation

LBB Staff: WP, SD, LBO, CLo, SGr, DFR, SPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2584 by Cortez (relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.),
Committee Report 2nd House, Substituted

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FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2584 by Cortez (Relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.), **As Engrossed**

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2584 by Cortez (Relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.), **As Introduced**

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LBB Staff: WP, CLo, SGr, DFR, SPa

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2584 by Cortez (relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.),
Committee Report 2nd House, Substituted

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the various codes as they relate to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite. Under the provisions of the bill, a code enforcement officer who holds a certificate of registration and carries an instrument to deter animal bites under the circumstances outlined in the bill is excluded from the applicability of certain unlawful carrying of weapons offenses.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, may be subject to an optional fine not to exceed \$10,000.

Excluding certain individuals from the applicability of a criminal offense is expected to result in fewer demands upon the correctional resources of counties or of the State due to a decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2018, 590 people were arrested, 68 people were placed under felony direct community supervision, and 28 people were admitted into state correctional institutions for the felony unlawful carrying of weapons offenses specified in the bill. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or the demand for state correctional resources.

Source Agencies:

LBB Staff: WP, LM, SPa

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

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