

BILL ANALYSIS

C.S.H.B. 1240
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over a lack of flexibility with regard to the punitive measures available for a person's noncompliance with certain county fire marshal orders. It has been suggested that the current Class B misdemeanor assessed for the offense can be either too lenient or too strong, depending on the situation. C.S.H.B. 1240 seeks to provide greater flexibility with regard to the penalty for this offense by providing a range of misdemeanor penalties.

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. 1240 amends the Local Government Code to decrease the penalty for failing to comply with a county fire marshal order to correct a hazardous situation relating to a fire or life safety hazard from a Class B misdemeanor to a Class C misdemeanor but to retain the Class B misdemeanor penalty for a single subsequent conviction. The bill increases the penalty to a Class A misdemeanor if the commission of the offense results in bodily injury or death.

C.S.H.B. 1240 authorizes the commissioners court of a county with a population of two million or more or a county contiguous to a county with that population to grant to a qualified county employee the authority to issue a citation in the unincorporated area of the county for the following:

- an offense for failing to comply with a county fire marshal order to correct a hazardous situation relating to a fire or life safety hazard; or
- a violation of an order relating to fire or life safety issued by the commissioners court that is reasonably necessary to protect public safety and welfare.

A county employee is qualified if the employee meets the following qualifications:

- the employee is certified by the Texas Commission on Fire Protection as a fire inspector;
- the employee conducts fire or life safety inspections; and
- the employee is not a peace officer.

The citation must state the following:

- the name of the person cited;
- the violation charged; and
- the time and place the person is required to appear in court.

The bill authorizes a court to issue a warrant for the arrest of a person who receives such a

citation for the violation described in that citation and who fails to appear in court on the return date of the citation.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1240 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the counties for which a commissioners court may grant to a qualified county employee the authority to issue a citation from counties with a population of 3.3 million or more to counties with a population of two million or more and counties contiguous to a county with such population.