

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 23, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1240 by Coleman (Relating to the offense of failure to comply with an order from a fire marshal and the authority of certain county employees to issue citations for certain violations; changing a criminal penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to reduce the penalty for failure to comply with an order from a fire marshal from a Class B to a Class C misdemeanor, unless it is shown on the trial of the offense that the defendant has been previously convicted of the same offense, and to increase the penalty for the offense from a Class B to a Class A misdemeanor if the commission of the offense results in bodily injury or death. The bill would also authorize certain counties to grant the authority to issue a related citation to certain county employees not currently authorized.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution and revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: JMc, LBO, AF, CMA, ANE