

BILL ANALYSIS

C.S.H.B. 1807
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is a lack of flexibility with regard to the punitive measures available for a person's noncompliance with certain county fire marshal orders. The current Class B misdemeanor assessed for the offense is too harsh for a first time offender of a minor violation, and appropriate personnel are reluctant to assess the penalty. C.S.H.B. 1807 seeks to provide greater flexibility with regard to the penalty for this offense and better enforcement by providing a range of misdemeanor penalties and by authorizing the commissioners court of certain counties to grant to a qualified peace officer the authority to issue certain citations in the unincorporated area of the county.

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. 1807 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 or with a county fire marshal order to take remedial action as a result of certain group home inspections 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 enhances the penalty to a Class A misdemeanor if the commission of the offense results in bodily injury or death. These provisions apply only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

C.S.H.B. 1807 authorizes the commissioners court of certain counties to grant to a qualified peace officer 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 to take remedial action as a result of certain group home inspections; 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.

This granting authority applies only to a county with a population of 3.3 million or more and a county with a population of 650,000 or more adjacent to a county with a population of

3.3 million or more. A peace officer is qualified if the peace officer is certified by the Texas Commission on Fire Protection as a fire inspector, conducts fire or life safety inspections, and is employed by the county. The bill sets out the required contents of the citation and expressly does not authorize the peace officer to arrest a person. The bill authorizes a court to issue a warrant for the arrest of a person who receives such a citation and who fails to appear in court on the return date of the citation.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1807 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With regard to the person who may be granted the authority to issue a citation, the introduced provided for such person to be a county employee who is not a peace officer, whereas the substitute provides for such person to be a peace officer who is employed by the county.