

By: Jones of Harris

H.B. No. 1807

Substitute the following for H.B. No. 1807:

By: Rosenthal

C.S.H.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to the offense of failure to comply with an order from a fire marshal and the authority of certain county peace officers to issue citations for certain violations; changing a criminal penalty.

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

SECTION 1. Section 352.022, Local Government Code, is amended to read as follows:

Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a) A person ~~[An owner or occupant]~~ who is subject to an order issued under Section 352.016 or 352.0165 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense.

(b) Except as provided by Subsection (c), (d), or (e), an
[The] offense under this section is a Class C [B] misdemeanor.

(c) An offense under this section is a Class A misdemeanor
if the commission of the offense results in bodily injury or death.

(d) Unless Subsection (c) applies, if it is shown on the
trial of the offense that the defendant has been previously
convicted under this section, the offense is a Class B misdemeanor.

(e) If ~~[unless]~~ it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, ~~[in which event]~~ the offense is a state jail felony.

SECTION 2. Subchapter B, Chapter 352, Local Government

Code, is amended by adding Section 352.0221 to read as follows:

Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY PEACE OFFICERS
TO ISSUE CITATION. (a) This section applies only to:

(1) a county with a population of 3.3 million or more;
and

(2) a county with a population of 650,000 or more
adjacent to a county with a population of 3.3 million or more.

(b) The commissioners court of a county to which this
section applies may grant the authority to issue a citation under
this section to a peace officer, as described by Article 2.12, Code
of Criminal Procedure, who is employed by the county and who:

(1) is certified by the Texas Commission on Fire
Protection as a fire inspector; and

(2) conducts fire or life safety inspections under
Section 352.016.

(c) The peace officer may issue a citation in the
unincorporated area of the county only for:

(1) an offense under Section 352.022; or

(2) 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.

(d) A citation issued under this section must state:

(1) the name of the person cited;

(2) the violation charged; and

(3) the time and place the person is required to appear
in court.

(e) This section does not authorize the peace officer to

1 arrest a person.

2 (f) If a person who receives a citation under this section
3 fails to appear in court on the return date of the citation, the
4 court may issue a warrant for the person's arrest for the violation
5 described in the citation.

6 SECTION 3. Section 352.022, Local Government Code, as
7 amended by this Act, applies only to an offense committed on or
8 after the effective date of this Act. An offense committed before
9 the effective date of this Act is governed by the law in effect on
10 the date the offense was committed, and the former law is continued
11 in effect for that purpose. For purposes of this section, an
12 offense was committed before the effective date of this Act if any
13 element of the offense was committed before that date.

14 SECTION 4. This Act takes effect September 1, 2023.