

BILL ANALYSIS

H.B. 1654
By: Oliverson
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that certain recent deaths caused by fires have brought to light the dangers caused by those who ignore fire codes and fire marshal orders. The parties contend that certain statutory changes are needed to encourage compliance with such codes and orders. H.B. 1654 seeks to address this issue by making such changes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 1654 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 if the commission of the offense results in property damage in an amount of \$200 or more or in bodily injury or death.

H.B. 1654 authorizes a county commissioners court to grant to a county employee who is certified by the Texas Commission on Fire Protection as a fire inspector, who conducts fire or life safety inspections, and who is not a peace officer the authority to issue a citation in the unincorporated area of the county for 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 for 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. The bill requires such a citation to state 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 a citation for the violation described in the citation if the person fails to appear in court on the return date of the citation.

EFFECTIVE DATE

September 1, 2017.