

BILL ANALYSIS

Senate Research Center

H.B. 1561
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Intergovernmental Relations
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Engrossed

DIGEST

Chapter 218 of the Local Government Code, entitled Municipal Regulation of Burglar Alarm Systems, was enacted in 1991 and provides that a municipal ordinance regulating burglary alarm systems, if adopted, allows for a one-year permit and a permit fee not to exceed \$50. In addition, a \$50 alarm penalty may be imposed for more than five false alarms during any 12-month period. Chapter 237 of the Local Government Code, regarding county regulation of alarm systems, was also enacted in 1991 and allows for the adoption of rules by the commissioners court for the regulation of alarm systems, authorizes a \$75 alarm penalty to be imposed for more than five false alarms during a 12-month period; authorizes alarm system permit fees to be collected by the county in a reasonable amount determined by the commissioners court; and makes a violation of a county alarm system rule punishable as a Class C misdemeanor.

H.B. 1561 establishes restrictions on the regulation of alarm systems by both municipalities and counties by repealing the right of an alarm owner to continued law enforcement response so long as false alarm fees are paid; repealing the provision authorizing a municipality to refuse to permit particular alarm systems which have a history of unreliability; raising both county and municipality alarm penalties to a fee not to exceed \$100; and removing existing provisions regarding the imposition of penalties or fees. This bill also authorizes both counties and municipalities to terminate their law enforcement response under certain circumstances; and sets forth the terms by which municipalities and counties are required to notify certain permit holders of the termination of law enforcement response to an alarm system.

PURPOSE

As proposed, H.B. 1561 provides for the regulation of alarm systems by municipalities and counties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 218.003(a), Local Government Code, to make a nonsubstantive change.

SECTION 2. Amends Section 218.005, Local Government Code, to delete existing Subsection (a), prohibiting a municipality from terminating its law enforcement response to a permit holder because of excess false alarms if the false alarm fees are paid in full. Authorizes a municipality to set standards for alarm systems to be permitted, and deletes the provision authorizing a municipality to refuse to permit particular systems which have a history of unreliability. Makes conforming changes.

SECTION 3. Amends Section 218.006, Local Government Code, as follows:

Sec. 218.006. New heading: FALSE ALARM EXEMPTIONS.

SECTION 4. Amends Section 218.007, Local Government Code, to prohibit a municipality from imposing a fee for the signaling of a false alarm unless five other false alarms have occurred during any preceding 12-month period. Authorizes a municipality to impose a fee of not more than \$100

each for the signaling of a false alarm after the fifth false alarm during any preceding 12-month period. Deletes existing text prohibiting a municipality from imposing a penalty or fee for the signaling of a false alarm by a burglar alarm system unless at least five other false alarms have occurred. Authorizes a municipality to terminate its law enforcement response to an alarm system only if the person is operating the alarm system without a required permit or the person has not paid a false alarm fee. Sets forth the terms by which the municipality is required to notify the permit holder of an alarm system by certified mail of the termination of law enforcement response to an alarm system if the response is terminated because the person has not paid a false alarm fee. Deletes existing text requiring a penalty or fee imposed to be established by ordinance, and prohibiting the fee from exceeding a certain amount. Makes conforming changes.

SECTION 5. Amends Sections 237.002(b)-(e), Local Government Code, to delete existing text prohibiting a county from imposing a penalty or fee for the signaling of a false alarm unless five other false alarms have occurred within the preceding 12 month period, requiring a penalty or fee imposed to be established by rule, and prohibiting the fee from exceeding a certain amount. Makes conforming changes.

SECTION 6. Amends Chapter 237, Local Government Code, by adding Section 237.0021, as follows:

Sec. 237.0021. PENALTY LIMITATIONS. Prohibits a county from imposing a fee for the signaling of a false alarm unless five other false alarms have occurred during the preceding 12-month period. Authorizes a county to impose a fee of more more than \$100 each for the signaling of a false alarm after the fifth false alarm during the preceding 12-month period. Authorizes a county to terminate its law enforcement response to an alarm system only if the person is operating the alarm system without a required permit or the person has not paid a false alarm fee. Sets forth the terms by which the county is required to notify the permit holder of an alarm system by certified mail of the termination of law enforcement response to an alarm system if the response is terminated because the person has not paid a false alarm fee.

SECTION 7. Emergency clause.
Effective date: 90 days after adjournment.