

## **BILL ANALYSIS**

Senate Research Center

H.B. 947  
By: Palmer (Harris)  
Criminal Justice  
5/13/1999  
Engrossed

### **DIGEST**

Fireworks violations increase during the holiday seasons, especially around the Fourth of July. Fires started from fireworks have damaged grass, dwellings, barns, and vehicles. State fireworks regulations classify all fireworks violations as Class B misdemeanors which require arrest and filing of cases through the district attorney's (DA) office, placing a burden on fire departments and the DA's office. H.B. 947 classifies the most common fireworks offenses as Class C misdemeanors, except where property damage exceeds \$200. This allows authorities to write citations at the scene instead of having to make arrests and file a case with the DA's office.

### **PURPOSE**

As proposed, H.B. 947 establishes provisions regarding the criminal penalty for a violation of law relating to the regulation of fireworks.

### **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 19, Article 5.43-4, Insurance Code, to provide that an offense under this section is a Class B misdemeanor, except as provided by Subsections (g) and (h) of this section. Provides that a violation of Section 17(f)(1), (2), (3), (4), or (5) of this article is a Class C misdemeanor, except as provided by Subsection (h) of this section. Establishes that if it is shown at the trial of an offense described by Subsection (g) of this section that the act constituting the offense resulted in property damage of at least \$200 or more or in bodily injury or death, the offense is a Class B misdemeanor. Deletes text regarding an offense that is a Class B misdemeanor. Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.  
Effective date: upon passage.