

## **BILL ANALYSIS**

Senate Research Center  
77R12195 JMC-F

H.B. 126  
By: West, George "Buddy" (Wentworth)  
Criminal Justice  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current Texas law, the decibel threshold for unreasonable noise is 85 decibels. Many individuals, especially in the unincorporated areas of a county, are not protected by municipal ordinances restricting excessive noise and must rely on state law for protection from excessive noise. H.B. 126 lowers the decibel threshold for unreasonable noise from 85 to 55 decibels and provides exceptions to the offense of disorderly conduct involving unreasonable noise.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 42.01, Penal Code, by amending Subsections (a), (c), and (d) and adding Subsection (e), to provide that a person commits an offense if the person intentionally or knowingly takes certain enumerated actions. Provides that for purposes of this section an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence and a noise is presumed to be unreasonable if the noise exceeds a decibel level of 55, rather than 85, after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance. Provides that an offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor under certain conditions. Provides that it is an exception to the application of Subsection (a)(5) that the noise made by the actor relates to certain activities.

SECTION 2. Effective date: September 1, 2001.  
Makes application of this Act prospective.