

BILL ANALYSIS

Senate Research Center
84R705 JTS-D

H.B. 274
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to interested parties, illegal dumping has become an increasingly prevalent crime in many parts of the state. In addition to the discarded items being dangerous, the piles formed by the items are unsightly and attract pests such as mosquitos, rats, and snakes, and often remain in one location until residents report the site to the political subdivision responsible for trash collection. Illegal dumping is especially problematic in residential neighborhoods with increased traffic flow, pedestrian activity, and children playing. H.B. 274 aims to serve as a deterrent against illegal dumping by increasing maximum applicable fines.

H.B. 274 amends current law relating to the enforcement of municipal rules, ordinances, or police regulations prohibiting illegal dumping, and increases a penalty.

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 54.001(b), Local Government Code, as follows:

(b) Prohibits a fine or penalty for the violation of a rule, ordinance, or police regulation from exceeding \$500 except that:

(1) a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including the dumping of refuse, is prohibited from exceeding \$2,000; and

(2) a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse is prohibited from exceed \$4,000. Makes a nonsubstantive change.

SECTION 2. Amends Section 29.003(a), Government Code, as follows:

(a) Requires a municipal court, including a municipal court of record, to have exclusive original jurisdiction within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction in all criminal cases that are punishable by a fine not to exceed \$2,000 in all cases arising under municipal ordinances or resolutions, rules, or orders of a joint board that govern fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including dumping of refuse; \$4,000 in cases arising under municipal ordinances that govern the dumping of refuse, and \$500 in all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board. Makes nonsubstantive changes.

SECTION 3. Amends Article 4.14(a), Code of Criminal Procedure, to require a municipal court, including a municipal court of record, to have exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that are punishable by a fine not to exceed \$2,000

in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, other than the dumping of refuse, rather than including dumping of refuse; \$4,000 in cases arising under municipal ordinances that govern the dumping of refuse; or \$500 in all other cases arising under a municipal ordinance. Makes nonsubstantive changes.

SECTION 4. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. Effective date: September 1, 2015.