

BILL ANALYSIS

H.B. 3837
By: Coleman
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the penalty for violating a fire marshal's order for first time offenders is too harsh, leaving some law enforcement personnel reluctant to issue a citation. However, there is an understanding that more effective enforcement tools are needed to bring attention to and consistent compliance with fire code regulations. H.B. 3837 seeks to address this issue by revising the penalties for such an offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 3837 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 for a single subsequent conviction. The bill increases the penalty to a Class A misdemeanor if the commission of the offense results in bodily injury or death.

H.B. 3837 authorizes the commissioners court of a county with a population of 3.3 million or more 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 such a citation for the violation described in that citation if the person fails to appear in court on the return date of the citation.

EFFECTIVE DATE

September 1, 2019.