

BILL ANALYSIS

Senate Research Center

S.B. 408
By: Harris
Criminal Justice
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As Filed

DIGEST

Currently, Texas law provides that a violation of laws regarding fireworks is a Class B misdemeanor. However, this requires law enforcement officers to spend many hours in the arrest, transportation, booking, and arraignment process. S.B. 408 will change certain violations to a Class C misdemeanor. This bill will also provide new regulations for filing an action contesting the seizure of fireworks.

PURPOSE

As proposed, S.B. 408 changes certain violations of laws regarding fireworks from a Class B to a Class C misdemeanor and provides new regulations for filing an action contesting the seizure 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 a person commits a Class B misdemeanor if the person commits an offense under this section, except as provided by Subsection (c) of this section. Provides that a person commits a Class C misdemeanor if the person commits an offense for a violation of Section 17(f)(1), (2), (3), (4), or (5), of this article, except as provided by Subsection (d) of this section. Provides that if it is shown on the trial of an offense described by Subsection (c) of this section that the act constituting the offense resulted in property damage of at least \$200 or in bodily injury or death, the offense is a Class B misdemeanor. Authorizes the State Board of Insurance (board), if the board determines that a violation of this article creates a threat to the public safety, to bring suit in the county court in which the offense was committed or the county in which the person who committed the offense resides or has an office. Authorizes certain persons to seize from retail fireworks consumers illegal fireworks. Requires the owner of seized fireworks, on filing an action under this subsection, to give notice of the filing of the action to the seizing agent or sheriff. Requires the seizing agent or the sheriff, if the seizing agent or sheriff does not receive notice of an action contesting the seizure, rather than if an action contesting the action is not filed, by the 31st, rather than 30th, day after the seizure, to destroy the fireworks. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Makes application of this Act regarding the seizure of fireworks prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.