

BILL ANALYSIS

Senate Research Center
83R5342 SGA-D

H.B. 1222
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Water Safety Act (Act) provides for various measures, including criminal penalties to protect public safety on Texas waterways. Under current law, venue for any alleged violation or offense under the Act is restricted to the justice court or county court that has jurisdiction where the violation or offense occurred. Interested parties observe that some municipal police are equipped with citation forms or automated ticket writers that are connected to the municipal court system and which they are unable to use for violations or offenses under the Act because of the venue restrictions. Interested parties contend that such restrictions create inefficiency and threaten the public interest in areas where municipal police are the primary means of enforcing water safety laws.

H.B. 1222 adds a municipal court as an authorized venue for such violations and offenses in an effort to make the system used to enforce water safety laws more closely resemble the efficient and effective system that has been implemented with regard to policing the roads and highways.

H.B. 1222 amends current law relating to venue for certain alleged violations or offenses under the Water Safety Act.

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 31.126(a), Parks and Wildlife Code, to provide that the venue for an alleged violation or offense under the provisions of this chapter (Water Safety) is in the justice court, county court, or municipal court having jurisdiction where the violation or offense was committed.

SECTION 2. Provides that Section 31.126(a), Parks and Wildlife Code, as amended by this Act, applies only to a violation that occurs or an offense that is committed on or after the effective date of this Act. Provides that a violation that occurs or an offense that is committed before the effective date of this Act is governed by the law in effect when the violation occurred or the offense was committed, and the former law is continued in effect for that purpose. Provides that for the purposes of this section, a violation occurs or an offense is committed before the effective date of this Act if any element of the violation or offense occurs or is committed before that date.

SECTION 3. Effective date: upon passage or September 1, 2013.