

## **BILL ANALYSIS**

H.B. 2704  
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Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to interested parties, recently enacted legislation unintentionally created an administrative standard requiring a culpable mental state in the commission of certain offenses, which the parties contend is inconsistent with the historical practice of strict liability enforcement when implementing statutory provisions relating to weights and measures. According to the parties, that standard now places a higher burden on the Department of Agriculture (TDA) by requiring the TDA to prove a culpable mental state, substantially limiting the TDA's ability to protect consumers from businesses failing to maintain weighing or measuring devices or intentionally tampering with weighing or measuring devices. H.B. 2704 seeks to restore the TDA's ability to fully protect the consumer from businesses failing to maintain or intentionally tampering with their weighing or measuring devices by amending the applicable law.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 2704 amends the Agriculture Code to remove from certain offenses involving the sale or use of an incorrect weighing or measuring device the condition that the actor commit the conduct constituting the offense knowingly.

### **EFFECTIVE DATE**

September 1, 2015.