

- SUBJECT:** Revising fees and penalties for false alarms
- COMMITTEE:** Law Enforcement — committee substitute recommended
- VOTE:** 5 ayes — Driver, Jackson, Frost, Hegar, Veasey  
0 nays  
2 absent — Burnam, Hupp
- WITNESSES:** For — Gary M. Brye, Texas Police Chiefs Association; Tom Gaylor, Texas Municipal Police Association; James Jones, Houston Police Department  
  
Against — Rodney Hooker, Texas Burglar and Fire Alarm Association; Ron Kessler, Texas Burglar and Fire Alarm Association; Malcolm Reed, Texas Burglar and Fire Alarm Association
- BACKGROUND:** Local Government Code, sec. 214.194, permits a municipality to adopt an ordinance requiring a person to pay an annual fee to obtain a permit before using an alarm system. The fee may not exceed \$50 per year. Sec. 214.195 forbids a municipality from terminating its law enforcement response to a permit holder because of excess false alarms if the false alarm fees are paid by the permit holder. A municipality may establish standards for alarm systems and may refuse to permit a particular system with a history of unreliability.  
  
Sec. 214.197 allows a municipality to impose a penalty or fee against a permit holder for the signaling of a false alarm if at least five other false alarms have occurred during the preceding 12-month period. Such a fee may not exceed \$50 for a burglar alarm, and the fee for a false alarm may not exceed the actual expenses incurred for the response.
- DIGEST:** CSHB 2304 would amend sec. 214.195 to allow a municipality to revoke or refuse to renew a holder's permit if that person's alarm system has had eight or more false alarms during the preceding 12-month period. The bill would strike the language allowing a municipality to set standards for alarm systems.

The bill also would allow a municipality to impose a fee against a permit holder for three, rather than five, other false alarms during the preceding 12-month period. The bill would allow for graduated fees based on the number of false alarms that occurred in the preceding 12-month period. The fee could not exceed \$50 if the location had more than three but fewer than six other false alarms, could not exceed \$75 if the location had more than five but fewer than eight, and could not exceed \$100 if the location had eight or more other false alarms. The bill would strike the requirement that a penalty or fee imposed for a false alarm be established by ordinance.

The bill would establish a difference in permit fees for residential and commercial locations. The fee for residential locations would be limited to \$50 per year, and the fee for commercial locations would be limited to \$100 per year. A municipality would be required to use the annual permit fees for the general administration of Subch. F, Burglar Alarm Systems.

The bill would allow a municipality to require an alarm systems monitor to try contacting the occupant of the alarm system location twice before the municipality responded to the alarm signal. The bill also would prohibit a municipality from adopting an ordinance that law enforcement personnel would not respond to any alarm signal unless, before doing so, the municipality made reasonable efforts to notify permit holders of its intention to adopt such an ordinance and conducted a public hearing on the matter. If a municipality adopted such an ordinance, it could not impose or collect a fine, fee, or penalty related to the alarm systems.

The bill would state that nothing in Subch. F would affect the priority or level of response provided by a municipality to a location or would waive governmental immunity provided a municipality by law. A municipality would not be liable for damages caused by its failure to respond to an alarm signal.

The bill would require an alarm systems company, when it installed or activated an alarm system, to give the occupant on the applicable law on false alarms, including the potential for penalties and revocation of the permit, how to prevent false alarms, and how to operate the alarm system. It would require the alarm system company to notify the municipality of an installation or activation of an alarm system within 30 days and to include in the notification the alarm systems company license number, the name of the occupant of the alarm system location, the address, and the

date of installation or activation. The information would be confidential and could be disclosed to the Texas Commission on Private Security only under court order or as required by law. This provision would apply only to an alarm system installed on or after January 1, 2006.

The bill would forbid the installation of any alarm system installed on or after January 1, 2007, that included a detection device control panel that did not meet the standards set by the American National Institute for false alarm reduction.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

Municipalities spend an enormous amount of resources each year responding to alarms, many of them false alarms. CSHB 2304 would enable municipalities to curb false alarms or at least to help cover the costs of responding to such alarms in several ways. It would allow a municipality to impose a penalty in the case of more than three false alarms at a single location in the preceding 12-month period. Under current law, a municipality cannot impose a penalty unless there have been five other false alarms in the preceding 12 months. A municipality could impose graduated penalties based on the number of false alarms and could revoke a holder's permit if the alarm system had eight or more false alarms in the preceding 12 months. The bill would also impose more obligations on home alarm companies to inform purchasers about the laws on false alarms and to instruct them on how to use the alarm properly to reduce the number of false alarms.

The bill would protect consumers of home alarm systems by requiring a municipality, before it could establish an ordinance stating that it would not respond to alarm signals, to hold a public hearing on the matter.

Because the bill would reduce the number of false alarms and would allow municipalities better to recover the costs of responding to false alarms, the bill would make it more workable for law enforcement to continue responding to alarm signals. The alarm industry is supportive of helping municipalities and law enforcement better respond to alarms.

**OPPONENTS  
SAY:**

No apparent opposition.

NOTES:

The bill as introduced included several provisions that do not appear in the substitute, including:

- expanding the definition of “alarm system” and the category of alarms to be regulated;
- requiring a municipality by ordinance to require a person to obtain a permit before operating an alarm system;
- stating that a municipality was not required to provide a law enforcement response to an alarm system if the required permit had not been obtained or if the permit had been revoked with proper notice;
- forbidding a municipality from refusing to issue a permit solely because the applicant was a multi-unit housing facility;
- requiring a law enforcement agency to inspect only the exterior, rather than the interior, of a premises before considering an alarm to have been false;
- limiting a municipality’s collection of fines and fees to the actual cost of providing services and requiring municipalities to conduct biennial audits to determine that cost;
- providing time periods in which a municipality would post public notice and hold hearings to adopt an ordinance providing that law enforcement personnel would not respond to an alarm, and stating that a municipality was not liable for damages caused by its failure to respond to an alarm only if the municipality was not required to respond because the occupant had not obtained a permit or the permit was revoked, or if the municipality had adopted an ordinance stating that it would not respond to alarm signals; and
- requiring an alarm systems monitor to telephone a location to verify whether an alarm was false before notifying a municipality of the alarm signal.

The substitute would allow a municipality to require an alarm systems monitor to attempt to contact the occupant twice before the municipality responded to the alarm.