

BILL ANALYSIS

Senate Research Center
79R8532 KEG-D

H.B. 2626
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Intergovernmental Relations
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, a sheriff's office in populous counties may charge a penalty or fee for responding to a false alarm after the fifth occurrence in a 12-month period. However, in Harris County, for example, deputy constables often respond to alarm calls, rather than sheriff's deputies.

H.B. 2626 clarifies that a county with a population more than 3.3 million may also charge for responses by county constables. In addition, the bill removes the prohibition on imposing penalties or fees for the first five false alarms in a 12-month period.

Further, the bill clarifies that a county may contract with a private vendor or attorney for the collection of delinquent false alarm fees pursuant to Article 103.0031, Code of Criminal Procedure, and that a civil action may be filed to collect on all false alarm fees and fines.

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 the heading to Section 118.133, Local Government Code, as follows:

Sec. 118.133. SHERIFF'S AND CONSTABLE'S RESPONSE TO FALSE ALARM IN POPULOUS COUNTY.

SECTION 2. Amends Sections 118.133(a) and (c), Local Government Code, to make conforming changes.

SECTION 3. Amends Subchapter D, Chapter 233, Local Government Code, by adding Section 233.098, as follows:

Sec. 233.098. ENFORCED COLLECTION. Authorizes the appropriate attorney representing the county to file a civil action in a court of competent jurisdiction to recover a penalty or fee imposed by a county under this subchapter.

SECTION 4. Amends Articles 103.0031(a), (b), and (f), Code of Criminal Procedure, as follows:

(a) Adds subdivision (3) to include certain false alarm penalties or fees among those items which may be collected under this subsection. Makes nonsubstantive changes.

(b) Deletes the reference to a public vendor providing collection services.

(c) Adds Subdivision (3) to make a conforming change. Makes nonsubstantive changes.

SECTION 5. Repealer: Section 233.092(b), Local Government Code (Imposing a false alarm penalty or fee until after the fifth occurrence in a 12-month period prohibited).

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2005.