

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1117  
By: Creighton  
Intergovernmental Relations  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law provides for penalties for a violation of a fire marshal's order. Section 352.022, Local Government Code, states that the offense for a person who does not comply with a fire marshal order is a Class B misdemeanor and subsequent offenses are a state jail felony.

Many feel that a Class B misdemeanor is too harsh for a first time offender of a minor violation and therefore personnel are reluctant to issue citations. However, some tool is needed to bring attention and compliance to fire code violations.

S.B. 1117 proposes to Amend Section 352.022, Local Government Code, to reduce the first offense for failure to comply with a fire marshal's order to a Class C misdemeanor, punishable by a fine not to exceed \$500. S.B. 1117 also reserves the Class B charge for failures that result in significant property damage and/or injury or death.

C.S.S.B. 1117 amends current law relating to the offense of failure to comply with an order from a fire marshal.

### **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 352.022, Local Government Code, as follows:

Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a) Creates this subsection from existing text. Provides that a person, rather than an owner or occupant, who is subject to an order issued under Section 352.016 (Inspection or Review of Plan for Fire or Life Safety Hazards), commits an offense if that person fails to comply with the order.

(b) Provides that an offense, except as provided by Subsection (c) or (d), under this section is a Class C, rather than Class B, misdemeanor. Makes a nonsubstantive change. Creates this subsection from existing text.

(c) Provides that an offense under this section is a Class B misdemeanor if the commission of the offense results in property damage in an amount of \$200 or more, or bodily injury or death.

(d) Provides that, if it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, the offense is a state jail felony. Creates this subsection from existing text. Makes nonsubstantive changes.

SECTION 2. Makes application of Section 352.022, Local Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.