

BILL ANALYSIS

C.S.H.B. 2162
By: Simmons
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that, as alarm system products have proliferated and grown in sophistication, Texas alarm system regulations have become outdated. C.S.H.B. 2162 seeks to reform the law concerning alarm systems.

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

C.S.H.B. 2162 amends the Local Government Code to set the maximum fee for a municipal permit for the use of an alarm system at \$250 a year for alarm system locations other than a residential location. The bill authorizes a municipality to refuse to respond to a location if the location has had more than eight false alarms, other than the eight false alarms for which a municipality may revoke or refuse to renew an alarm system permit, during the preceding 12-month period. The bill removes the period within which an agency of a municipality must respond to an alarm notification for it to be considered a false alarm on the agency's determination from an inspection of the premises that the alarm report by an alarm systems monitor was false. The bill redefines "alarm system" by reference to the Private Security Act, defines "alarm systems monitor" as a person who acts as an alarm systems company under the act, and defines "false alarm" as a notification of possible criminal activity reported to law enforcement that is based solely on electronic information remotely received by an alarm systems monitor; that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

C.S.H.B. 2162 prohibits a municipality from imposing a penalty for the report of a false alarm after three other applicable false alarms have occurred if visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality, authorizes a municipality to impose a penalty for the report of a false alarm by a person not licensed under the Private Security Act, prohibits a municipality from imposing a penalty for the report of a false alarm by a person licensed under the act, and prohibits a municipality from imposing or collecting any fine, fee, or penalty related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the applicable ordinance. The bill clarifies that a municipality that does not respond to an alarm

system signal is not liable for damages that may occur relating to the cause of the signal.

C.S.H.B. 2162 authorizes a property owner or an agent of the property owner authorized to make decisions regarding the use of the property, without permission or exception of the municipality, to elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property and, if such election is made, authorizes the municipality to impose a fee, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor. The bill prohibits the municipality, if that election is made, from imposing a fee to obtain a permit to use the alarm system or from imposing or collecting any other fine, fee, or penalty related to the alarm system.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2162 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 214.191, Local Government Code, is amended to read as follows:

Sec. 214.191. DEFINITIONS. In this subchapter:

(1) "Alarm system" has the meaning assigned by Section 1702.002, Occupations Code [means a device or system that transmits a signal intended to summon police of a municipality in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises].

(2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.

(3) "Camera systems company" means a person who:

(A) sells, installs, or services a closed circuit television, camera system, surveillance system, or still camera system; or

(B) offers to perform a service described by Paragraph (A).

(4) "Closed circuit television," "camera system," "surveillance system," or "still camera system" means a device or system of

HOUSE COMMITTEE SUBSTITUTE

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(2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.

devices that:

- (A) records or transmits, including transmission by an intranet or Internet device, an image or series of images for the purpose of security or surveillance;
- (B) is monitored by security personnel or an alarm systems monitor for the purpose of security or surveillance;
- (C) is not used exclusively:
 - (i) to view or monitor traffic conditions on public roads;
 - (ii) to detect motor vehicle violations on public roads;
 - (iii) for telephone or video conferencing;
 - (iv) to monitor a manufacturing process;
 - (v) for a medical purpose by medical practitioners;
 - (vi) by a courtroom reporter for recording or archiving depositions or testimony;
 - (vii) in the course of an ongoing investigation, when installed by and remaining under the control of a licensed investigations company; or
 - (viii) by a law enforcement agency to monitor criminal activity; and
- (D) does not include a camera used for videoconferencing that is integrated with or attached to:
 - (i) a wireless communication device capable of using a commercial mobile service as defined by 47 U.S.C. Section 332;
 - (ii) computer equipment, as defined by Section 361.952, Health and Safety Code; or
 - (iii) a television, as defined by Section 361.952, Health and Safety Code.

(5) "False alarm" means a notification of possible criminal activity reported to law enforcement that is:

- (A) based solely on electronic information remotely received by an alarm systems monitor;
- (B) uncorroborated by an eyewitness, video evidence, or photographic evidence that an emergency exists; and
- (C) verified by an agency of the municipality that no emergency exists after an on-site inspection of the location from which the notification originated.

(6) [(2)] "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

SECTION 2. Section 214.193, Local

(3) "False alarm" means a notification of possible criminal activity reported to law enforcement:

- (A) that is based solely on electronic information remotely received by an alarm systems monitor;
- (B) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and
- (C) concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

(4) [(2)] "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

No equivalent provision.

Government Code, is amended to read as follows:

Sec. 214.193. DURATION OF MUNICIPAL PERMIT. (a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system or act as a camera systems company in the municipality, the ordinance must provide that the permit is valid for at least one year.

(b) This requirement does not affect the authority of the municipality to:

(1) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; [or]

(2) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits; or

(3) make a permit valid for a period of less than one year if necessary to conform the permit to a municipal ordinance that references a camera systems company.

SECTION 3. Section 214.194, Local Government Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may act as a camera systems company in the municipality, the fee shall be used for the:

(1) processing, maintenance, and issuance of the permit;

(2) maintenance and oversight of the permitting system; and

(3) regulation and enforcement actions that relate to camera system permits.

(b) A municipal permit fee imposed under this section for an alarm system may not exceed the rate of:

(1) \$50 a year for a residential location; and

(2) \$100 a year for other alarm system locations.

SECTION 4. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1945 to read as follows:

Sec. 214.1945. MUNICIPAL CAMERA SYSTEMS PERMIT. (a) If a municipality

SECTION 2. Section 214.194(b), Local Government Code, is amended to read as follows:

(b) A municipal permit fee imposed under this section for an alarm system may not exceed the rate of:

(1) \$50 a year for a residential location; and

(2) \$250 a year for other alarm system locations.

No equivalent provision.

adopts an ordinance that requires a person to obtain a permit from the municipality before the person may act as a camera systems company in the municipality, the ordinance must require an applicant for a permit, at a minimum, to:

- (1) identify the business or contractor;
- (2) describe the scope of the work to be performed; and
- (3) provide, for each employee and contractor who will have access to the camera system or camera system records, photo identification that is issued by the state.

(b) A municipality may not adopt or enforce an ordinance that:

(1) requires a person to pay an annual fee to obtain a permit from the municipality to use a camera system; or

(2) violates Section 1702.134, Occupations Code.

(c) A municipality may not require a person licensed under Chapter 1702, Occupations Code, to obtain a permit described by Subsection (a).

SECTION 5. The heading to Section 214.195, Local Government Code, is amended.

SECTION 6. Section 214.195, Local Government Code, is amended.

SECTION 7. Section 214.196, Local Government Code, is amended.

SECTION 8. Section 214.197, Local Government Code, is amended to read as follows:

Sec. 214.197. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty for the report [signaling] of a false alarm by an alarm systems monitor [a burglar alarm system] if at least three other false alarms have occurred during the preceding 12-month period. The amount of the penalty for the report [signaling] of a false alarm as described by Section 214.196 may not exceed:

- (1) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;
- (2) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

SECTION 3. Same as introduced version.

SECTION 4. Substantially the same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Section 214.197, Local Government Code, is amended to read as follows:

Sec. 214.197. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty for the report [signaling] of a false alarm by an alarm systems monitor [a burglar alarm system] if at least three other false alarms have occurred during the preceding 12-month period. The amount of the penalty for the report [signaling] of a false alarm as described by Section 214.196 may not exceed:

- (1) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;
- (2) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

(3) \$100, if the location has had eight or more other false alarms in the preceding 12-month period.

(b) A municipality may not impose a penalty authorized under Subsection (a) if visual proof of possible criminal activity recorded by an alarm systems monitor or camera system is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) A municipality may impose a penalty for the report of a false alarm by a person not licensed under Chapter 1702, Occupations Code.

(d) A municipality may not impose or collect any fine, fee, or penalty related to a false alarm, alarm system, or camera system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

No equivalent provision.

SECTION 9. Section 214.200(b), Local Government Code, is amended to read as follows:

(b) A municipality that does not respond to an alarm system or camera system signal is not liable for damages that may occur relating to the cause of the alarm system or camera system signal.

SECTION 10. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.201 to read as follows:

Sec. 214.201. EXCEPTIONS FOR CERTAIN ALARM SYSTEMS. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may, without permission or exception of the municipality, elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property.

(b) If an election is made under Subsection (a), the municipality:

(3) \$100, if the location has had eight or more other false alarms in the preceding 12-month period.

(b) A municipality may not impose a penalty authorized under Subsection (a) if visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) A municipality:

(1) may impose a penalty for the report of a false alarm by a person not licensed under Chapter 1702, Occupations Code; and

(2) may not impose a penalty for the report of a false alarm by a person licensed under Chapter 1702, Occupations Code.

(d) A municipality may not impose or collect any fine, fee, or penalty related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

SECTION 7. The heading to Section 214.198, Local Government Code, is amended to read as follows:

Sec. 214.198. PROCEDURES FOR REDUCING FALSE ALARMS [VERIFICATION].

SECTION 8. Section 214.200(b), Local Government Code, is amended to read as follows:

(b) A municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

SECTION 9. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.201 to read as follows:

Sec. 214.201. EXCEPTIONS FOR CERTAIN ALARM SYSTEMS. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may, without permission or exception of the municipality, elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property.

(b) If an election is made under Subsection (a), the municipality:

- (1) may not impose a fee to obtain a permit to use the alarm system;
- (2) may impose a fee, not to exceed \$100, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and
- (3) may not impose or collect any other fine, fee, or penalty related to the alarm system.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

- (1) may not impose a fee to obtain a permit to use the alarm system;
- (2) may impose a fee, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and
- (3) may not impose or collect any other fine, fee, or penalty related to the alarm system.

SECTION 10. Same as introduced version.