

BILL ANALYSIS

H.B. 1925
By: Capriglione
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is currently no statewide ban on camping in a public place. Interested parties note the lack of a statewide ban on camping in public places results in inconsistent policies towards camping across Texas. These parties note a statewide camping ban would set a minimum standard while allowing local governments to establish more stringent standards. H.B. 1925 seeks to address this issue by creating the offense of prohibited camping and setting out provisions relating to the enforcement of public camping bans.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 2 of this bill.

ANALYSIS

H.B. 1925 amends the Penal Code to create the Class C misdemeanor offense of prohibited camping for a person who intentionally or knowingly camps in a public place without the consent of the officer or agency having the legal duty or authority to manage the public place. The bill defines "camp" as residing temporarily in a place, with shelter, and establishes that "shelter" includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of shelter, other than clothing, designed to protect a person from weather conditions that threaten personal health and safety. The actor's intent or knowledge may be established through evidence of activities associated with sustaining a living accommodation that are conducted in a public place.

H.B. 1925 establishes that consent given by an officer or agency of a political subdivision is not effective for purposes of the prohibited conduct and that a designation made by a state officer or agency permitting an area owned and controlled by a political subdivision to be used for camping constitutes consent to camping on that property. The bill authorizes a state officer or agency to make such a designation only if that designation is proposed to the officer or agency by the applicable political subdivision. The bill's provisions relating to the prohibited camping offense expressly do not preempt a regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affect the authority of a state agency or political subdivision to adopt or enforce such a regulation, if the regulation meets the following conditions:

- the regulation is compatible with and equal to or more stringent than the bill's prohibited camping offense; or

- the regulation relates to an issue not specifically addressed by the bill's provisions relating to that offense.

H.B. 1925 amends the Local Government Code to prohibit a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban. The bill defines, for that purpose, "local entity" as a governing body of a municipality or county, an officer or employee of such an entity or a body that is part of such an entity, and a district or criminal district attorney. A "policy" under those provisions includes a formal, written rule, ordinance, order, or policy and an informal, unwritten policy. "Public camping ban" means a law, rule, ordinance, order, or other regulation that prohibits camping in a public place, including under the bill's provisions. The bill prohibits a local entity from prohibiting or discouraging a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban.

H.B. 1925 authorizes the attorney general to bring an action in a district court in Travis County or in another applicable county to enjoin a violation of the bill's prohibitions regarding local policies and enforcement and to recover reasonable expenses incurred in obtaining relief. The bill prohibits a local entity from receiving state grant funds and requires such funds for the local entity to be denied for the state fiscal year following the year in which the entity is finally judicially determined to have intentionally violated those prohibitions. The bill requires the comptroller of public accounts to adopt rules to implement such denials of state grant funds uniformly among the state agencies from which those funds are distributed to a municipality or county. The bill prohibits the denial of state grant funds to a local entity that has not violated the prohibitions, regardless of whether the entity is a part of another entity that is in violation.

EFFECTIVE DATE

September 1, 2021.