

**SUBJECT:** Increasing the punishment for criminal trespassing at certain campuses

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

**SENATE VOTE:** On final passage, May 10 — 25-5 (Bettencourt, Burton, Creighton, Hall, V. Taylor)

**WITNESSES:** No public hearing

**BACKGROUND:** Penal Code, sec. 30.05 creates an offense for criminal trespassing if a person enters or remains on someone else's property without consent and the person knew entry was forbidden or failed to leave after being asked to do so. The punishment defaults to a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000), with upward and downward departures from that category of offense based on the location.

**DIGEST:** SB 1649 would increase a criminal trespass offense to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), if the person trespassed at a public institution of higher education and previously had been convicted of or received deferred adjudication for trespassing at an institution of higher education.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

**SUPPORTERS SAY:** SB 1649 would discourage individuals with malicious intent who currently are undeterred by existing penalties from repeatedly trespassing on college campuses. Such individuals are disruptive to the campus environment and potentially dangerous.

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OPPONENTS  
SAY:

SB 1649 unnecessarily would enhance the punishment for a trespass that is already criminal under existing law.