

BILL ANALYSIS

Senate Research Center
80R12695 UM-D

C.S.S.B. 597
By: Wentworth
Criminal Justice
3/29/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, Chapter 30.05, Penal Code, provides that an offense of trespass is a Class B misdemeanor. When a person trespasses on residential property, a police officer's only recourse is to arrest the trespasser.

C.S.S.B. 597 amends the Penal Code to provide that the offense of trespass on residential land is a Class C misdemeanor, allowing a law enforcement officer to issue a ticket, rather than making an arrest. C.S.S.B. 597 provides that an offense of trespass is a Class C misdemeanor, unless it occurs in a building or habitation or the individual carries a weapon, in which case it would be a Class B misdemeanor and a Class A misdemeanor, respectively.

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 30.05(b), Penal Code, by adding Subdivision (8), to define "residential land."

SECTION 2. Amends Section 30.05, Penal Code, by amending Subsections (c) and (d) and adding Subsection (k), as follows:

(c) Provides that it is a defense to prosecution under this section (Criminal Trespass) that the actor at the time of the offense was an employee or agent of an electric utility, as defined by Section 31.002 (Definitions), Utilities Code, or an employee or agent of a gas utility, as defined by Section 101.003 (Definitions) or 121.001 (Definition of Gas Utility), Utilities Code, who was performing a duty within the scope of employment or agency; or an employee or agent of an entity with a temporary or permanent easement or right-of-way on the property, including an easement for a pipeline if the property on which the conduct occurred was real property, and the employee or agent was performing a duty within the scope of employment or agency.

(d) Provides that an offense under Subsection (k) is a Class C misdemeanor unless it is committed in a building or habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. Makes nonsubstantive changes.

(k) Provides that a person commits an offense if without express consent or if without authorization provided by any law, whether in writing or other form, the person enters or remains on residential land of another, and had notice that the entry was forbidden or received notice to depart but failed to do so.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.