

BILL ANALYSIS

C.S.H.B. 1129
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when a person trespasses on residential property, a police officer's only recourse is to arrest the trespasser. C.S.H.B. 1129 would create another type of criminal trespass: a Class C misdemeanor for trespassing on residential land. Providing for a Class C misdemeanor will allow a police officer to issue a citation without arresting the perpetrator.

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. 1129 amends the Penal Code to create a Class C misdemeanor offense for trespassing on residential land as long as it was not committed in a building or a habitation or as long as the trespasser did not carry a deadly weapon, in which event it is a Class A misdemeanor. A person commits this offense if the person, without express consent or authorization as provided by law, in either writing or other form, 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. "Residential land" is also defined in C.S.H.B. 1129.

C.S.H.B. 1129 also provides a defense to prosecution for a person who was employed by or acted as an agent of an entity that had or reasonably believed to have had effective consent or authorization provided by law to enter the property and was performing a duty within the scope of the employment or agency. The application of this Act is prospective.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1129 modifies the original bill by removing the defense to prosecution that applied only to electric or gas utility workers and providing the defense for a person who was employed by or acting as agent for an entity that had, or the person reasonably believed had, effective consent or authorization provided by law to enter the property and who was performing a duty within the scope of that employment or agency.