

AN ACT

relating to the prosecution of the offense of criminal trespass.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [~~he~~] enters or remains on or in property, including a recreational vehicle park or an aircraft or other vehicle, of another without effective consent or the person [~~he~~] enters or remains in a building of another without effective consent and the person [~~he~~]:

(1) had notice that the entry was forbidden; or

(2) received notice to depart but failed to do so.

SECTION 2. Section 30.05(b), Penal Code, is amended by adding Subdivision (8) to read as follows:

(8) "Recreational vehicle park" means a tract of land that has rental spaces for two or more recreational vehicles, as defined by Section 522.004, Transportation Code.

SECTION 3. Chapter 30, Penal Code, is amended by adding Section 30.07 to read as follows:

Sec. 30.07. TRESPASS ON DOCKING PLACE. (a) In this section:

(1) "Docking place" includes a pier, wharf, dock, slip, slipway, or any other man-made landing area for ships, boats, or other watercraft.

1 (2) "Enter" means to intrude:

2 (A) any part of the body; or

3 (B) any physical object connected with the body.

4 (3) "Notice" means:

5 (A) oral or written communication by the owner or
6 someone with apparent authority to act for the owner;

7 (B) fencing or other enclosure obviously
8 designed to exclude intruders from the docking place; or

9 (C) a sign or signs posted on a docking place or
10 at the entrance to a docking place, reasonably likely to come to the
11 attention of intruders, indicating that entry is forbidden.

12 (b) A person commits an offense if the person:

13 (1) enters the docking place of another without the
14 effective consent of the owner or lessee of the docking place; and

15 (2) after receiving notice that entry is forbidden,
16 remains in, on, or attached to the docking place.

17 (c) A person commits an offense if the person, after
18 receiving notice that entering a docking place is forbidden,
19 anchors, ties up, moors, or otherwise makes stationary the actor's
20 ship, boat, or other watercraft at a place or in a manner that
21 eliminates another's ingress or egress from the docking place.

22 (d) An offense under this section is a Class B misdemeanor.

23 (e) The defense provided by Section 30.05(c) applies to an
24 offense under this section.

25 SECTION 4. The change in law made by this Act applies only to
26 an offense committed on or after the effective date of this Act.
27 For purposes of this section, an offense is committed before the

1 effective date of this Act if any element of the offense occurs
2 before the effective date. An offense committed before the
3 effective date of this Act is governed by the law in effect when the
4 offense was committed, and the former law is continued in effect for
5 that purpose.

6 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1092 was passed by the House on March 15, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1092 on May 23, 2007, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1092 was passed by the Senate, with amendments, on May 18, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor