

1-1 By: Macias (Senate Sponsor - Wentworth) H.B. No. 1129  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 17, 2007, read first time and referred to Committee on  
1-4 Criminal Justice; May 16, 2007, reported favorably by the  
1-5 following vote: Yeas 6, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the prosecution and punishment of the offense of  
1-9 criminal trespass.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 30.05(b), Penal Code, is amended by  
1-12 adding Subdivision (8) to read as follows:

1-13 (8) "Residential land" means real property improved by  
1-14 a dwelling and zoned for or otherwise authorized for single-family  
1-15 or multifamily use.

1-16 SECTION 2. Section 30.05, Penal Code, is amended by  
1-17 amending Subsections (c) and (d) and adding Subsection (k) to read  
1-18 as follows:

1-19 (c) It is a defense to prosecution under this section that  
1-20 the actor at the time of the offense was:

1-21 (1) a fire fighter or emergency medical services  
1-22 personnel, as ~~[that term is]~~ defined by Section 773.003, Health and  
1-23 Safety Code, acting in the lawful discharge of an official duty  
1-24 under exigent circumstances;

1-25 (2) an employee or agent of an electric utility, as  
1-26 defined by Section 31.002, Utilities Code, or an employee or agent  
1-27 of a gas utility, as defined by Section 101.003 or 121.001,  
1-28 Utilities Code, who was performing a duty within the scope of  
1-29 employment or agency; or

1-30 (3) a person who was:

1-31 (A) employed by or acting as agent for an entity  
1-32 that had, or that the person reasonably believed had, effective  
1-33 consent or authorization provided by law to enter the property; and

1-34 (B) performing a duty within the scope of that  
1-35 employment or agency.

1-36 (d) An offense under Subsection (e) is a Class C misdemeanor  
1-37 unless it is committed in a habitation or unless the actor carries a  
1-38 deadly weapon on or about the actor's person during the commission  
1-39 of the offense, in which event it is a Class A misdemeanor. An  
1-40 offense under Subsection (k) is a Class C misdemeanor unless it is  
1-41 committed in a building or habitation or unless the actor carries a  
1-42 deadly weapon on or about the actor's person during the commission  
1-43 of the offense, in which event it is a Class A misdemeanor. An  
1-44 offense under Subsection (a) is a Class C ~~[B]~~ misdemeanor, except  
1-45 that the offense is:

1-46 (1) a Class B misdemeanor if it is shown on the trial  
1-47 of the offense that the defendant has been previously convicted of  
1-48 an offense under this section; and

1-49 (2) a Class A misdemeanor if:

1-50 (A) ~~[(1)]~~ the offense is committed:

1-51 (i) ~~[(A)]~~ in a habitation or a shelter  
1-52 center;

1-53 (ii) ~~[(B)]~~ on a Superfund site; or

1-54 (iii) ~~[(C)]~~ on or in a critical  
1-55 infrastructure facility; or

1-56 (B) ~~[(2)]~~ the actor carries a deadly weapon on or  
1-57 about his person during the commission of the offense.

1-58 (k) A person commits an offense if without express consent  
1-59 or if without authorization provided by any law, whether in writing  
1-60 or other form, the person:

1-61 (1) enters or remains on residential land of another;  
1-62 and

1-63 (2) had notice that the entry was forbidden or  
1-64 received notice to depart but failed to do so.

2-1 SECTION 3. (a) The change in law made by this Act applies  
2-2 only to an offense committed on or after the effective date of this  
2-3 Act. For purposes of this section, an offense is committed before  
2-4 the effective date of this Act if any element of the offense occurs  
2-5 before the effective date.

2-6 (b) An offense committed before the effective date of this  
2-7 Act is covered by the law in effect when the offense was committed,  
2-8 and the former law is continued in effect for that purpose.

2-9 SECTION 4. This Act takes effect immediately if it receives  
2-10 a vote of two-thirds of all the members elected to each house, as  
2-11 provided by Section 39, Article III, Texas Constitution. If this  
2-12 Act does not receive the vote necessary for immediate effect, this  
2-13 Act takes effect September 1, 2007.

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