

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hilderbran

H.B. No. 1092

A BILL TO BE ENTITLED

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. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for

1 that purpose.

2 SECTION 4. This Act takes effect September 1, 2007.

# ADOPTED

MAY 18 2007

*Atay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Wentworth*

1 Amend H.B. No. 1092 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of  
3 the bill accordingly:

4 SECTION \_\_. Chapter 30, Penal Code, is amended by adding  
5 Section 30.07 to read as follows:

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

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

11 (2) "Enter" means to intrude:

12 (A) any part of the body; or

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

14 (3) "Notice" means:

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

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

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

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

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

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

27 (c) A person commits an offense if the person, after  
28 receiving notice that entering a docking place is forbidden,  
29 anchors, ties up, moors, or otherwise makes stationary the actor's

1 ship, boat, or other watercraft at a place or in a manner that  
2 eliminates another's ingress or egress from the docking place.  
3 (d) An offense under this section is a Class B misdemeanor.  
4 (e) The defense provided by Section 30.05(c) applies to an  
5 offense under this section.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 11, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1092** by Hilderbran (Relating to the prosecution of the offense of criminal trespass.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, WK, DB

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

February 23, 2007

**TO:** Honorable Harvey Hilderbran, Chair, House Committee on Culture, Recreation, & Tourism

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1092** by Hilderbran (Relating to the prosecution of the offense of criminal trespass.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, WK, DB

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 11, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1092** by Hilderbran (Relating to the prosecution of the offense of criminal trespass.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG, LM