

By: Schofield

H.B. No. 2363

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for certain criminal trespass offenses.

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

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

(d) An offense under this section is:

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of the boundary of the land; or

(B) on residential land and within 100 feet of a protected freshwater area; and

(3) a Class A misdemeanor if:

(A) the offense is committed:

(i) in a habitation or a shelter center;

(ii) on a Superfund site; or

(iii) on or in a critical infrastructure facility;

(B) ~~[the offense is committed on or in property of an institution of higher education and]~~ it is shown on the trial of the offense that the person has previously been convicted of:

1 (i) an offense under this section [~~relating~~
2 ~~to entering or remaining on or in property of an institution of~~
3 ~~higher education~~]; or

4 (ii) an offense under Section 51.204(b)(1),
5 Education Code, relating to trespassing on the grounds of an
6 institution of higher education; or

7 (C) the person carries a deadly weapon during the
8 commission of the offense.

9 SECTION 2. The changes in law made by this Act apply only to
10 an offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense was committed before that
16 date.

17 SECTION 3. This Act takes effect September 1, 2021.