

By: Vasut

H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

1
2 relating to civil and criminal consequences of trespassing on the
3 property of another while entering this state from a neighboring
4 jurisdiction; creating a criminal offense; providing a civil
5 penalty.

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

7 SECTION 1. Article 17.44, Code of Criminal Procedure, is
8 amended by adding Subsection (b-1) to read as follows:

9 (b-1) A magistrate shall require as a condition of release
10 on bond for a defendant arrested for an offense under Section 30.08,
11 Penal Code, that the defendant submit to electronic monitoring
12 unless the magistrate finds that the defendant is not a flight risk.

13 SECTION 2. Chapter 752, Government Code, is amended by
14 adding Subchapter D to read as follows:

15 SUBCHAPTER D. ENFORCEMENT BY ATTORNEY GENERAL

16 Sec. 752.101. CIVIL PENALTY: TRESPASS WHILE ENTERING THIS
17 STATE. (a) A person who engages in conduct constituting an offense
18 under Section 30.08, Penal Code, is liable to this state for a civil
19 penalty in an amount not to exceed \$10,000 for each occurrence of
20 the conduct.

21 (b) The attorney general may bring an action to collect the
22 civil penalty and may recover attorney's fees and costs incurred in
23 bringing the action.

24 SECTION 3. Chapter 30, Penal Code, is amended by adding

1 Section 30.08 to read as follows:

2 Sec. 30.08. TRESPASS WHILE ENTERING THIS STATE. (a) A
3 person commits an offense if the person knowingly enters the
4 property of another, without the effective consent of the owner,
5 while knowingly entering this state from any neighboring
6 jurisdiction, regardless of the person's immigration status.

7 (b) An offense under this section is a felony of the third
8 degree.

9 (c) If conduct that constitutes an offense under this
10 section also constitutes an offense under another law, the actor
11 may be prosecuted under this section, the other law, or both.

12 SECTION 4. If any provision of this Act or its application
13 to any person or circumstance is held invalid, the invalidity does
14 not affect other provisions or applications of this Act that can be
15 given effect without the invalid provision or application, and to
16 this end the provisions of this Act are declared to be severable.

17 SECTION 5. This Act takes effect on the 91st day after the
18 last day of the legislative session.