

By: Guillen

H.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to a border crime property damage compensation program.

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

SECTION 1. The heading to Chapter 56C, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 56C. BORDER CRIME [~~LANDOWNER COMPENSATION FOR~~] PROPERTY
DAMAGE COMPENSATION PROGRAM [~~CAUSED BY CERTAIN CRIMINAL
ACTIVITIES~~]

SECTION 2. Article 56C.001, Code of Criminal Procedure, is amended by amending Subdivision (2) and adding Subdivision (2-a) to read as follows:

(2) "Border crime" means conduct:

(A) constituting an offense under:

(i) Subchapter D, Chapter 481, Health and Safety Code;

(ii) Section 20.05, 20.06, or 38.04, Penal Code; or

(iii) Chapter 20A, Penal Code; and

(B) involving transnational criminal activity.

(2-a) "Border region" has the meaning assigned by Section 772.0071, Government Code.

SECTION 3. The heading to Article 56C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 56C.003. BORDER CRIME PROPERTY DAMAGE [~~LANDOWNER~~]

1 COMPENSATION PROGRAM.

2 SECTION 4. Article 56C.003, Code of Criminal Procedure, is
3 amended by amending Subsections (a), (c), and (d) and adding
4 Subsection (a-1) to read as follows:

5 (a) From the funding sources described by Subsection (a-1)
6 ~~[money appropriated for the purpose]~~, the attorney general shall
7 establish and administer a program to compensate:

8 (1) landowners who suffer real property damage on
9 agricultural land caused by:

10 (A) ~~[(1)]~~ a trespasser as a result of an offense
11 under Chapter 28, Penal Code, that was committed in the course of or
12 in furtherance of a border crime; or

13 (B) ~~[(2)]~~ a law enforcement response to a
14 trespasser who was engaged in a border crime; and

15 (2) persons residing in the border region who suffer
16 real or personal property damage caused by a person described by
17 Subdivision (1)(A) or (B).

18 (a-1) The attorney general may use money from the following
19 sources to establish the program described by Subsection (a):

20 (1) money appropriated, credited, or transferred by
21 the legislature for purposes of the program;

22 (2) revenue that the legislature by statute dedicates
23 for deposit to the credit of the program;

24 (3) investment earnings and interest earned on money
25 held for purposes of administering the program;

26 (4) gifts, grants, and donations received by the state
27 for purposes of the program; and

1 (5) proceeds received under Article 59.06(v).

2 (c) The attorney general may not award compensation under
3 this article for [~~real~~] property damage caused by a trespasser
4 [~~described by Subsection (a)(1)~~] unless the damage is documented in
5 a written report by a law enforcement agency as having occurred in
6 connection with a border crime.

7 (d) In awarding compensation under this article for [~~real~~]
8 property damage caused by a trespasser [~~described by Subsection~~
9 ~~(a)(1)~~], the attorney general may not consider the outcome of any
10 criminal prosecution arising out of the offense under Chapter 28,
11 Penal Code, as a result of which the applicant suffered property
12 damage or the applicable offense listed in Article 56C.001(2)(A).

13 SECTION 5. Article 56C.006(a), Code of Criminal Procedure,
14 is amended to read as follows:

15 (a) The program established under Article 56C.003 is a
16 payer of last resort for [~~real~~] property damage described by that
17 article.

18 SECTION 6. Article 59.06(t)(1), Code of Criminal Procedure,
19 is amended to read as follows:

20 (t)(1) This subsection applies only to contraband for which
21 forfeiture is authorized with respect to an offense under Section
22 [~~20.05, 20.06~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

23 SECTION 7. Article 59.06, Code of Criminal Procedure, is
24 amended by adding Subsection (v) to read as follows:

25 (v) Notwithstanding any other provision of this article,
26 with respect to forfeited property seized in connection with an
27 offense under Section 20.05 or 20.06, Penal Code, in a proceeding

1 under Article 59.05 in which judgment is rendered in favor of the
2 state, the attorney representing the state shall transfer the
3 proceeds from the sale of the forfeited property under Subsection
4 (a) to the comptroller for deposit to the credit of the border crime
5 property damage compensation program established under Chapter
6 56C.

7 SECTION 8. Article 56C.007, Code of Criminal Procedure, is
8 repealed.

9 SECTION 9. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect on the 91st day after the last day of the
14 legislative session.