

By: Thimesch

H.B. No. 2962

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of trespass on or near a school or day-care center.

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

SECTION 1. Chapter 30, Penal Code, is amended by adding Section 30.055 to read as follows:

Sec. 30.055. TRESPASS ON OR NEAR SCHOOL OR DAY-CARE CENTER.

(a) In this section:

(1) "Day-care center" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Public property" includes a street, highway, alley, public park, or sidewalk.

(3) "School" means a private or public elementary or secondary school.

(4) "School or day-care center property" means:

(A) all land and buildings owned or leased by a public school or day-care center; and

(B) any grounds or buildings used by a school or day-care center for an assembly or other school-sponsored activity.

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

(1) enters or remains on:

(A) school or day-care center property; or

(B) public property located within 250 feet of school or day-care center property;

1           (2) poses a substantial risk of harm to any person or  
2 behaves in a manner that is inappropriate for a school or day-care  
3 center setting; and

4           (3) received a request to depart by an administrator  
5 or security personnel officer employed by the school or day-care  
6 center and failed to depart.

7           (c) An offense under this section is a Class A misdemeanor.

8           (d) If conduct constituting an offense under this section  
9 also constitutes an offense under another section of this code, the  
10 actor may be prosecuted under either section or both sections.

11           SECTION 2. This Act takes effect September 1, 2023.