

By: Lozano

H.B. No. 3605

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain criminal conduct involving agricultural land,
3 including the justified use of force or deadly force to protect
4 agricultural land from that conduct, and to civil liability arising
5 out of certain justified threats to use force or deadly force;
6 creating a criminal offense.

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

8 SECTION 1. Section 83.001, Civil Practice and Remedies
9 Code, is amended to read as follows:

10 Sec. 83.001. CIVIL IMMUNITY. A defendant who uses or
11 threatens to use force or deadly force that is justified under
12 Chapter 9, Penal Code, is immune from civil liability for personal
13 injury or death that results from the defendant's use of or threat
14 to use force or deadly force, as applicable.

15 SECTION 2. Subchapter D, Chapter 9, Penal Code, is amended
16 by adding Section 9.45 to read as follows:

17 Sec. 9.45. PROTECTION OF AGRICULTURAL LAND. (a) In this
18 section, "agricultural land" has the meaning assigned by Section
19 75.001, Civil Practice and Remedies Code.

20 (b) A person is justified in using force, including deadly
21 force, against another to protect agricultural land, including
22 persons and tangible, movable property on the land, if the actor
23 reasonably believes:

24 (1) the other's unlawful interference with the land

1 constitutes deadly conduct under Section 22.05(b-1); and

2 (2) the use of force is immediately necessary to
3 protect the land from the unlawful interference with the land
4 described by Subdivision (1).

5 SECTION 3. Section 22.05, Penal Code, is amended by adding
6 Subsection (b-1) and amending Subsection (e) to read as follows:

7 (b-1) A person commits an offense if during the commission
8 of an offense under Section 20.05 or 20A.02 of this code or
9 Subchapter D, Chapter 481, Health and Safety Code, the person
10 knowingly operates a motor vehicle or other means of conveyance in a
11 reckless manner at excessive or unsafe speeds on agricultural land,
12 as defined by Section 75.001, Civil Practice and Remedies Code.

13 (e) An offense under Subsection (a) is a Class A
14 misdemeanor. An offense under Subsection (b) or (b-1) is a felony of
15 the third degree.

16 SECTION 4. (a) Section 83.001, Civil Practice and Remedies
17 Code, as amended by this Act, applies only to a cause of action that
18 accrues on or after the effective date of this Act. A cause of
19 action that accrues before the effective date of this Act is
20 governed by the law applicable to the cause of action immediately
21 before the effective date of this Act, and that law is continued in
22 effect for that purpose.

23 (b) Section 9.45, Penal Code, as added by this Act, and
24 Section 22.05, Penal Code, as amended by this Act, apply only to an
25 offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is governed
27 by the law in effect on the date the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this subsection, an offense was committed before the effective date
3 of this Act if any element of the offense occurred before that date.

4 SECTION 5. This Act takes effect September 1, 2023.