

By: Blanco, et al.
(King of Uvalde)

S.B. No. 1133

A BILL TO BE ENTITLED

AN ACT

relating to a program to compensate landowners for property damage caused by certain criminal activities.

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

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 56C to read as follows:

CHAPTER 56C. LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY CERTAIN CRIMINAL ACTIVITIES

Art. 56C.001. DEFINITIONS. In this chapter:

(1) "Agricultural land" includes any land the use of which qualifies the land for appraisal based on agricultural use as defined under Subchapter D, Chapter 23, Tax Code.

(2) "Border crime" means conduct:

(A) constituting an offense under:

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

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

(iii) Chapter 20A, Penal Code; and

(B) involving transnational criminal activity.

(3) "Trespasser" has the meaning assigned by Section 75.007, Civil Practice and Remedies Code.

Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney general shall adopt rules to administer this chapter.

(b) Subchapters A and B, Chapter 2001, Government Code,

1 except Sections 2001.004(3) and 2001.005, apply to the attorney
2 general.

3 (c) The attorney general may delegate to a person in the
4 attorney general's office a power or duty given to the attorney
5 general under this chapter.

6 Art. 56C.003. LANDOWNER COMPENSATION PROGRAM. (a) From
7 money appropriated for the purpose, the attorney general shall
8 establish and administer a program to compensate landowners who
9 suffer real property damage on agricultural land caused by:

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

13 (2) a law enforcement response to a trespasser who was
14 engaged in a border crime.

15 (b) The attorney general shall establish:

16 (1) eligibility criteria for compensation under this
17 article, including requirements for providing proof of eligibility
18 for compensation;

19 (2) application procedures;

20 (3) criteria for evaluating applications and awarding
21 compensation;

22 (4) guidelines related to compensation amounts,
23 provided that the maximum amount awarded per incident causing
24 damage may not exceed \$75,000; and

25 (5) procedures for monitoring the use of compensation
26 awarded under this article and ensuring compliance with any
27 conditions of the award.

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

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

12 Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES. (a) The
13 attorney general shall determine whether a hearing on an
14 application for compensation under this chapter is necessary.

15 (b) On determining that a hearing is not necessary, the
16 attorney general may approve the application.

17 (c) On determining that a hearing is necessary or on request
18 for a hearing by the applicant, the attorney general shall consider
19 the application at a hearing at a time and place of the attorney
20 general's choosing. The attorney general shall notify all
21 interested persons not later than the 10th day before the date of
22 the hearing.

23 (d) At the hearing the attorney general shall:

24 (1) review the application for compensation; and

25 (2) receive other evidence that the attorney general
26 finds necessary or desirable to evaluate the application properly.

27 (e) The attorney general may appoint hearing officers to

1 conduct hearings or prehearing conferences under this chapter.

2 (f) A hearing or prehearing conference is open to the public
3 unless the hearing officer or attorney general determines in a
4 particular case that all or part of the hearing or conference should
5 be held in private because a private hearing or conference is in the
6 interest of the applicant.

7 (g) Subchapters C through H, Chapter 2001, Government Code,
8 do not apply to the attorney general or the attorney general's
9 orders and decisions.

10 Art. 56C.005. ANNUAL REPORT. Not later than the 100th day
11 after the end of each state fiscal year, the attorney general shall
12 submit to the governor and the legislature a report on the attorney
13 general's activities under this chapter during the preceding fiscal
14 year that includes the following information, disaggregated by each
15 offense listed in Article 56C.001(2)(A):

- 16 (1) the number of applications made;
17 (2) the number of applicants receiving compensation;
18 and
19 (3) the amount of compensation awarded.

20 Art. 56C.006. PAYER OF LAST RESORT. (a) The program
21 established under Article 56C.003 is a payer of last resort for real
22 property damage described by that article.

23 (b) The attorney general may not award compensation to an
24 applicant under Article 56C.003 if the attorney general determines
25 that the applicant:

- 26 (1) is eligible for reimbursement from another source,
27 including under an insurance contract or a state, local, or federal

1 program; and

2 (2) failed to seek reimbursement from the source
3 described by Subdivision (1).

4 Art. 56C.007. EXPIRATION OF CHAPTER. This chapter expires
5 on the second anniversary of the date that all money appropriated
6 for the program established under this chapter has been expended.

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