

1-1 By: Flores S.B. No. 2018
 1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 1; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Bettencourt	X			
1-9 Springer			X	
1-10 Eckhardt		X		
1-11 Gutierrez			X	
1-12 Hall	X			
1-13 Nichols	X			
1-14 Parker	X			
1-15 Paxton	X			
1-16 West	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2018 By: Parker

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to prohibitions on camping in a public place.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 364.002(a), Local Government Code, is
 1-24 amended to read as follows:
 1-25 (a) A local entity may not adopt or enforce a policy under
 1-26 which the entity prohibits or discourages the enforcement of any
 1-27 public camping ban, including prohibiting or discouraging the
 1-28 investigation or enforcement of a violation of a public camping
 1-29 ban.
 1-30 SECTION 2. Chapter 364, Local Government Code, is amended
 1-31 by adding Sections 364.0021, 364.0022, 364.0023, and 364.0024 to
 1-32 read as follows:
 1-33 Sec. 364.0021. USE OF PROPERTY FOR CAMPING PURPOSE. A local
 1-34 entity may not permit camping by homeless individuals on a property
 1-35 designated for that purpose until the Texas Department of Housing
 1-36 and Community Affairs has approved a plan for the property under
 1-37 Section 2306.1122, Government Code.
 1-38 Sec. 364.0022. COMPLAINTS AND REPORTING. (a) A local
 1-39 entity shall develop and implement a process that allows a person to
 1-40 file a complaint with the local entity regarding a violation of a
 1-41 public camping ban.
 1-42 (b) Each year, a local entity shall report to the attorney
 1-43 general, in the form and manner prescribed by the attorney general,
 1-44 the following information:
 1-45 (1) the number of complaints received as part of the
 1-46 local entity's complaint process implemented under Subsection (a);
 1-47 (2) the disposition of each complaint, including
 1-48 court-ordered diversion programs;
 1-49 (3) the number of arrests made or citations in lieu of
 1-50 arrest issued for a violation of a public camping ban; and
 1-51 (4) any other information related to public camping
 1-52 bans as required by the attorney general.
 1-53 Sec. 364.0023. ENFORCEMENT REQUIRED BY LOCAL ENTITY;
 1-54 DECLARATION AS "VIOLATING LOCAL ENTITY." (a) For each complaint
 1-55 received by a local entity under Section 364.0022(a), the local
 1-56 entity shall take an action to resolve the complaint not later than
 1-57 the 90th day after the date the complaint is received.
 1-58 (b) If the local entity does not take the required action
 1-59 before the end of the period prescribed by Subsection (a), the
 1-60 attorney general shall issue a written declaration that the local

2-1 entity is a "violating local entity" for the state fiscal year in
2-2 which the end of the period prescribed by Subsection (a) occurs.
2-3 The attorney general shall send a copy of the written declaration to
2-4 the local entity and the comptroller.

2-5 Sec. 364.0024. ENFORCEMENT BY DEPARTMENT OF PUBLIC SAFETY
2-6 AND ATTORNEY GENERAL; RECOVERY OF COSTS. (a) The attorney general
2-7 or the Department of Public Safety may enforce Section 48.05, Penal
2-8 Code.

2-9 (b) For each enforcement action described by Subsection (a)
2-10 that occurs within the boundaries of a local entity that is a
2-11 "violating local entity," the attorney general or Department of
2-12 Public Safety may recover any costs associated with the enforcement
2-13 action from the local entity in accordance with Section 321.5026 or
2-14 323.5026, Tax Code, as applicable.

2-15 SECTION 3. Section 48.05, Penal Code, is amended by
2-16 amending Subsection (i) and adding Subsection (i-1) to read as
2-17 follows:

2-18 (i) Subject to Subsection (i-1), if ~~if~~ the person is
2-19 arrested or detained solely for an offense under this section, a
2-20 peace officer enforcing this section shall ensure that all of the
2-21 person's personal property not designated as contraband under other
2-22 law is preserved by:

2-23 (1) permitting the person to remove all the property
2-24 from the public place at the time of the person's departure; or

2-25 (2) taking custody of the person's nonhazardous
2-26 personal property and allowing the person to retrieve the property
2-27 after the person is released from custody.

2-28 (i-1) Subsection (i) does not apply to personal property
2-29 that is a permanent or semipermanent structure unless the structure
2-30 is a camping tent.

2-31 SECTION 4. Subchapter F, Chapter 321, Tax Code, is amended
2-32 by adding Section 321.5026 to read as follows:

2-33 Sec. 321.5026. DISTRIBUTION OF TRUST FUNDS TO MUNICIPALITY
2-34 THAT FAILS TO ACT ON PUBLIC CAMPING BAN COMPLAINT. (a) In this
2-35 section, "violating local entity" means a municipality declared by
2-36 the attorney general to be a violating local entity for a state
2-37 fiscal year under Section 364.0023, Local Government Code.

2-38 (b) Notwithstanding Section 321.502, the comptroller may
2-39 not, after the date the comptroller receives notice that a
2-40 municipality is a violating local entity for a state fiscal year,
2-41 send to the municipality its share of the taxes collected by the
2-42 comptroller under this chapter during the state fiscal year until
2-43 the comptroller makes any deduction required by Subsection (c).

2-44 (c) Before sending a violating local entity its share of the
2-45 taxes collected by the comptroller under this chapter during a
2-46 state fiscal year, the comptroller shall deduct the amount reported
2-47 to the comptroller for the violating local entity under Subsection
2-48 (d) and credit that deducted amount to the general revenue fund.
2-49 Money credited to the general revenue fund under this subsection
2-50 may be appropriated only to the attorney general or the Department
2-51 of Public Safety, as applicable.

2-52 (d) Not later than August 1 of each state fiscal year, the
2-53 attorney general and the Department of Public Safety shall report
2-54 to the comptroller the amount of money the attorney general or
2-55 department spent in that state fiscal year taking enforcement
2-56 actions described by Section 364.0024, Local Government Code, in
2-57 each violating local entity. The attorney general and the
2-58 department shall make a reasonable estimate of the amount spent
2-59 after the date the report is made until the end of the state fiscal
2-60 year based on amounts spent before the date the report is made.

2-61 SECTION 5. Subchapter F, Chapter 323, Tax Code, is amended
2-62 by adding Section 323.5026 to read as follows:

2-63 Sec. 323.5026. DISTRIBUTION OF TRUST FUNDS TO COUNTY THAT
2-64 FAILS TO ACT ON PUBLIC CAMPING BAN COMPLAINT. (a) In this section,
2-65 "violating local entity" means a county declared by the attorney
2-66 general to be a violating local entity for a state fiscal year under
2-67 Section 364.0023, Local Government Code.

2-68 (b) Notwithstanding Section 323.502, the comptroller may
2-69 not, after the date the comptroller receives notice that a county is

3-1 a violating local entity for a state fiscal year, send to the county
3-2 its share of the taxes collected by the comptroller under this
3-3 chapter during the state fiscal year until the comptroller makes
3-4 any deduction required by Subsection (c).

3-5 (c) Before sending a violating local entity its share of the
3-6 taxes collected by the comptroller under this chapter during a
3-7 state fiscal year, the comptroller shall deduct the amount reported
3-8 to the comptroller for the violating local entity under Subsection
3-9 (d) and credit that deducted amount to the general revenue fund.
3-10 Money credited to the general revenue fund under this subsection
3-11 may be appropriated only to the attorney general or the Department
3-12 of Public Safety, as applicable.

3-13 (d) Not later than August 1 of each state fiscal year, the
3-14 attorney general and the Department of Public Safety shall report
3-15 to the comptroller the amount of money the attorney general or
3-16 department spent in that state fiscal year taking enforcement
3-17 actions described by Section 364.0024, Local Government Code, in
3-18 each violating local entity. The attorney general and the
3-19 department shall make a reasonable estimate of the amount spent
3-20 after the date the report is made until the end of the state fiscal
3-21 year based on amounts spent before the date the report is made.

3-22 SECTION 6. Section 48.05, Penal Code, as amended by this
3-23 Act, applies only to an offense committed on or after the effective
3-24 date of this Act. An offense committed before the effective date of
3-25 this Act is governed by the law in effect on the date the offense was
3-26 committed, and the former law is continued in effect for that
3-27 purpose. For purposes of this section, an offense was committed
3-28 before the effective date of this Act if any element of the offense
3-29 occurred before that date.

3-30 SECTION 7. Sections 321.5026 and 323.5026, Tax Code, as
3-31 added by this Act, apply only to a distribution of sales and use tax
3-32 revenue to a municipality or county in a state fiscal year that
3-33 begins on or after the effective date of this Act.

3-34 SECTION 8. Not later than December 1, 2023, each local
3-35 entity, as defined by Section 364.001, Local Government Code, shall
3-36 develop and implement the complaint process required by Section
3-37 364.0022, Local Government Code, as added by this Act.

3-38 SECTION 9. Not later than January 1, 2024, the attorney
3-39 general by rule shall prescribe the form and manner for reporting as
3-40 required by Section 364.0022, Local Government Code.

3-41 SECTION 10. This Act takes effect September 1, 2023.

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