

By: Deshotel

H.B. No. 669

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a home-rule municipality to adopt an ordinance prohibiting criminal trespass; providing for a criminal penalty.

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

SECTION 1. Subtitle A, Title 7, Local Government Code, is amended by adding Chapter 220 to read as follows:

CHAPTER 220. REGULATION OF CRIMINAL TRESPASS BY HOME-RULE MUNICIPALITY

Sec. 220.001. MUNICIPALITY COVERED BY CHAPTER. This chapter applies only to a home-rule municipality.

Sec. 220.002. DEFINITION. In this chapter, "criminal trespass" means an act that would constitute an offense under Section 30.05, Penal Code.

Sec. 220.003. CRIMINAL TRESPASS. The governing body of the municipality may by ordinance prohibit criminal trespass.

Sec. 220.004. CRIMINAL PENALTY. (a) A person who violates an ordinance adopted under this chapter within the limits of the municipality commits an offense.

(b) An offense under this section is a Class C misdemeanor.

Sec. 220.005. APPLICATION OF OTHER LAW. A person who is prosecuted for violating an ordinance adopted under this chapter within the limits of the municipality may not be prosecuted for that same conduct under Section 30.05, Penal Code.

1           SECTION 2.   This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution.  If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.