

BILL ANALYSIS

C.S.H.B. 489
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when a person trespasses on residential property, a police officers only recourse is to arrest the trespasser. In some instances, for example a person who gets out of a state owned river and comes on to private residential property, arresting the violator is not the most efficient use of the police officers time.

C.S.H.B. 489 seeks to give police officers another tool to prevent trespassing on private residential property.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. amends Section 30.05(b) of the Penal Code to create subdivision (7) to define residential land as real property improved by a dwelling and zoned for or otherwise authorized for single-family or multi-family use.

SECTION 2. amends Section 30.05 of the Penal Code by amending subsections (c) and (d) and adding subsection (g). Subsection (c) is amended to provide a defense to prosecution for criminal trespass for electric or gas utility employees who are performing a duty within the scope of their employment. Subsection (d) is amended to define an offense under subsection (g) is a Class C misdemeanor unless the actor carries a deadly weapon, in which it is a Class A misdemeanor. Subsection (g) is added to clarify that a person commits an offense if without express consent or without authorization by law enters or remains on residential land of another and had notice that it was forbidden or received notice to depart by failed to do so.

SECTION 3. states that if an offense is committed before the effective date of this act, the former law is continued.

SECTION 4. states the effective date of the act, which is immediately upon two-thirds vote of each house or September 1, 2005.

EFFECTIVE DATE

Immediately upon two-thirds vote of each house or September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by including a defense to prosecution for criminal trespass for electric or gas utility employees acting within the scope of their employment.