

By: Casteel

H.B. No. 489

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of criminal trespass.

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

SECTION 1. Section 30.05(b), Penal Code, is amended by adding Subdivision (7) to read as follows:

(7) "Residential land" means real property improved by a dwelling and zoned for or otherwise authorized for single-family or multi-family use.

SECTION 2. Section 30.05, Penal Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) An offense under Subsection (e) is a Class C misdemeanor unless it is committed in a habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. An offense under Subsection (g) is a Class C misdemeanor unless it is committed in a building or habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. An offense under Subsection (a) is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) the offense is committed:

(A) in a habitation or a shelter center; or

1 (B) on a Superfund site; or

2 (2) the actor carries a deadly weapon on or about his
3 person during the commission of the offense.

4 (g) A person commits an offense if without express consent
5 or if without authorization provided by any law, whether in writing
6 or other form, the person:

7 (1) enters or remains on residential land of another;
8 and

9 (2) had notice that the entry was forbidden or
10 received notice to depart but failed to do so.

11 SECTION 3. (a) The change in law made by this Act applies
12 only to an offense committed on or after the effective date of this
13 Act. For purposes of this section, an offense is committed before
14 the effective date of this Act if any element of the offense occurs
15 before the effective date.

16 (b) An offense committed before the effective date of this
17 Act is covered by the law in effect when the offense was committed,
18 and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.