

By: Menendez

H.B. No. 1075

A BILL TO BE ENTITLED

AN ACT

relating to the application of the offense of criminal trespass to certain law enforcement officers.

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

SECTION 1. Section 30.05, Penal Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) This section does not apply if:

(1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun or other weapon was forbidden; and

(2) the actor at the time of the offense was a peace officer, including a commissioned peace officer of a recognized state, or a special investigator under Article 2.122, Code of Criminal Procedure, regardless of whether the peace officer or special investigator was engaged in the actual discharge of an official duty while carrying the weapon.

(h) For purposes of Subsection (g), "recognized state" has the meaning assigned by Section 46.15.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense was  
2 committed before that date.

3 SECTION 3. This Act takes effect September 1, 2005.