

By: Menendez

H.B. No. 1075

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 (g) It is an exception to the application of this section  
8 that:

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

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

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

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

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense was  
3 committed before that date.

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