

## **BILL ANALYSIS**

Senate Research Center

S.B. 1097  
By: Whitmire  
Criminal Justice  
8/7/2007  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a criminal trespass violation is a Class B misdemeanor. However, this current classification does not provide for the most efficient usage of a law enforcement officer's time, as the processing of a Class B misdemeanor requires extensive paperwork, including the filing of charges with a local district attorney and the booking of a suspect into the county jail system, which can take over three hours. By contrast, a Class C misdemeanor may be processed in as little as 30 minutes.

S.B. 1097 changes a first-time offense of criminal trespass from a Class B to a Class C misdemeanor.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 30.05(b), Penal Code, by adding Subdivision (8) to define "residential land."

SECTION 2. Amends Section 30.05, Penal Code, by amending Subsections (c) and (d) and adding Subsections (d-1) and (k), as follows:

(c) Provides that it is a defense to prosecution under this section (Criminal Trespass) that the actor at the time of the offense was an employee or agent of an electric utility, as defined by Section 31.002 (Definitions), Utilities Code, or an employee or agent of a gas utility, as defined by Section 101.003 (Definitions) or 121.011 (Definition of Gas Utility), Utilities Code, who was performing a duty within the scope of employment or agency or a person who was employed by or acting as agent for an entity that had, or that the person reasonably believe had, effective consent of authorization provided by law to enter the property and was performing a duty within the scope of that employment or agency. Makes a nonsubstantive change.

(d) Changes an offense under Subsection (a) (regarding entry into or onto property without consent of the owner) from a Class B to a Class C misdemeanor, except that it remains a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section. Makes nonsubstantive changes.

(d-1) Provides that an offense under Subsection (k) 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.

(k) Provides that a person commits an offense if without express consent or if without authorization provided by any law, whether in writing or other form, the person enters or remains on residential land of another and had notice that the entry was forbidden or received notice to depart but failed to do so.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.