

BILL ANALYSIS

S.B. 1097
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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

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

Senate Bill 1097 amends Section 30.05(d), Penal Code, that it is a Class C misdemeanor if a person commits a first offense entering or remaining on or in a property, including an aircraft or other vehicle, of another without effective consent or entering or remaining in a building of another without effective consent and the person had notice that the entry was forbidden or received notice to depart but failed to do so. Makes non-substantive changes. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.