

1-1 By: Wentworth S.B. No. 597  
1-2 (In the Senate - Filed February 13, 2007; February 26, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 2, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 2, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 597 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the prosecution and punishment of the offense of  
1-11 criminal trespass.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 30.05, Penal Code, is  
1-14 amended by adding Subdivision (8) to read as follows:

1-15 (8) "Residential land" means real property improved by  
1-16 a dwelling and zoned for or otherwise authorized for single-family  
1-17 or multifamily use.

1-18 SECTION 2. Section 30.05, Penal Code, is amended by  
1-19 amending Subsections (c) and (d) and adding Subsection (k) to read  
1-20 as follows:

1-21 (c) It is a defense to prosecution under this section that  
1-22 the actor at the time of the offense was:

1-23 (1) a fire fighter or emergency medical services  
1-24 personnel, as ~~that term is~~ defined by Section 773.003, Health and  
1-25 Safety Code, acting in the lawful discharge of an official duty  
1-26 under exigent circumstances;

1-27 (2) an employee or agent of an electric utility, as  
1-28 defined by Section 31.002, Utilities Code, or an employee or agent  
1-29 of a gas utility, as defined by Section 101.003 or 121.001,  
1-30 Utilities Code, who was performing a duty within the scope of  
1-31 employment or agency; or

1-32 (3) an employee or agent of an entity with a temporary  
1-33 or permanent easement or right-of-way on the property, including an  
1-34 easement for a pipeline, if:

1-35 (A) the property on which the conduct occurred  
1-36 was real property; and

1-37 (B) the employee or agent was performing a duty  
1-38 within the scope of employment or agency.

1-39 (d) An offense under Subsection (e) is a Class C misdemeanor  
1-40 unless it is committed in a habitation or unless the actor carries a  
1-41 deadly weapon on or about the actor's person during the commission  
1-42 of the offense, in which event it is a Class A misdemeanor. An  
1-43 offense under Subsection (k) is a Class C misdemeanor unless it is  
1-44 committed in a building or habitation or unless the actor carries a  
1-45 deadly weapon on or about the actor's person during the commission  
1-46 of the offense, in which event it is a Class A misdemeanor. An  
1-47 offense under Subsection (a) is a Class B misdemeanor, except that  
1-48 the offense is a Class A misdemeanor if:

1-49 (1) the offense is committed:

1-50 (A) in a habitation or a shelter center;

1-51 (B) on a Superfund site; or

1-52 (C) on or in a critical infrastructure facility;

1-53 or

1-54 (2) the actor carries a deadly weapon on or about the  
1-55 actor's ~~his~~ person during the commission of the offense.

1-56 (k) A person commits an offense if without express consent  
1-57 or if without authorization provided by any law, whether in writing  
1-58 or other form, the person:

1-59 (1) enters or remains on residential land of another;  
1-60 and

1-61 (2) had notice that the entry was forbidden or  
1-62 received notice to depart but failed to do so.

1-63 SECTION 3. (a) The change in law made by this Act applies

2-1 only to an offense committed on or after the effective date of this  
2-2 Act. For purposes of this section, an offense is committed before  
2-3 the effective date of this Act if any element of the offense occurs  
2-4 before the effective date.

2-5 (b) An offense committed before the effective date of this  
2-6 Act is covered by the law in effect when the offense was committed,  
2-7 and the former law is continued in effect for that purpose.

2-8 SECTION 4. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2007.

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