

AN ACT

relating to the offense of criminal trespass.

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

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

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

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

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

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

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

(3) a person who was:

(A) employed by or acting as agent for an entity

1 that had, or that the person reasonably believed had, effective
2 consent or authorization provided by law to enter the property; and

3 (B) performing a duty within the scope of that
4 employment or agency.

5 (d) An offense under Subsection (e) is a Class C misdemeanor
6 unless it is committed in a habitation or unless the actor carries a
7 deadly weapon on or about the actor's person during the commission
8 of the offense, in which event it is a Class A misdemeanor. An
9 offense under Subsection (a) is a Class C [~~B~~] misdemeanor, except
10 that the offense is:

11 (1) a Class B misdemeanor if it is shown on the trial
12 of the offense that the defendant has been previously convicted of
13 an offense under this section; and

14 (2) a Class A misdemeanor if:

15 (A) [~~(1)~~] the offense is committed:

16 (i) [~~(A)~~] in a habitation or a shelter
17 center;

18 (ii) [~~(B)~~] on a Superfund site; or

19 (iii) [~~(C)~~] on or in a critical
20 infrastructure facility; or

21 (B) [~~(2)~~] the actor carries a deadly weapon on or
22 about his person during the commission of the offense.

23 (d-1) An offense under Subsection (k) is a Class C
24 misdemeanor unless it is committed in a building or habitation or
25 unless the actor carries a deadly weapon on or about the actor's
26 person during the commission of the offense, in which event it is a
27 Class A misdemeanor.

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

4 (1) enters or remains on residential land of another;
5 and

6 (2) had notice that the entry was forbidden or
7 received notice to depart but failed to do so.

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect when the offense was committed, and
12 the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

16 SECTION 4. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1097 passed the Senate on April 12, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1097 passed the House, with amendment, on May 16, 2007, by the following vote: Yeas 144, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor