

BILL ANALYSIS

Senate Research Center
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S.B. 1153
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a landowner is liable for an accident that occurs as a result of an act or omission of a peace officer on the landowner's property, with or without the landowner's consent. Due to recent outbreaks of wildfires, many fire departments and peace officers, in order to put out the fires, had to cut fences, in most cases without the landowner's consent, to get to the affected areas and control the wildfires.

Due to these actions, livestock were able to roam freely along major highways without the landowner's knowledge. In the event that the livestock were to cause an accident, the landowner is liable for damages, even though the landowner was unaware that the fence had been cut and that the landowner's cattle had been roaming free.

As proposed, S.B. 1153 adds Section 75.005 to the Civil Practice and Remedies Code, to provide that a landowner is not liable for an accident that occurs as a result of the actions of a peace officer who has entered the landowner's property.

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 Chapter 75, Civil Practice and Remedies Code, by adding Section 75.005, as follows:

Sec. 75.005. **LIABILITY LIMITED FOR ACTIONS OF PEACE OFFICER.** Provides that a landowner is not liable for damages arising from an act or omission of a peace officer, as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or other state or federal law, who, with or without the permission of the landowner, has entered the landowner's property acting within the scope of the officer's authority as a peace officer. Provides that a peace officer is presumed to have acted within the scope of the peace officer's authority if a landowner who has given permission to a peace officer to enter the landowner's property has a reasonable belief that the peace officer is acting within the peace officer's authority.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.