

By: Hinojosa

S.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a landowner for an act or omission of a peace officer on the property of the landowner.

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

SECTION 1. Chapter 75, Civil Practice and Remedies Code, is amended by adding Section 75.005 to read as follows:

Sec. 75.005. LIABILITY LIMITED FOR ACTIONS OF PEACE OFFICER. A landowner is not liable for damages arising from an act or omission of a peace officer, as defined by Article 2.12, 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. 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. The change in law made by this Act applies only to an act or omission of a peace officer that occurs on or after the effective date of this Act. An act or omission of a peace officer that occurred before the effective date of this Act is covered by the law in effect when the act or omission occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.