

BILL ANALYSIS

S.B. 1417
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a landowner is liable for any damages that results from the acts or omissions of a peace officer.

In parts of the state where pursuits with local, state, and federal officers occur, an officer may enter or expose a property and an accident may occur as a result of that act or omission of a peace officer. Under current law, a landowner is held liable for any resulting incident based on those actions.

S.B. 1417 amends Section 75.006, Civil Practice and Remedies Code, to state that an owner, lessee, or occupant of agricultural land is not liable for any damages or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant.

S.B. 1417 amends current law relating to the limitation of liability of certain landowners.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends the heading to Section 75.006, Civil Practice and Remedies Code, to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION 2. Amends Section 75.006, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsections (c), (d), and (e), as follows:

(a) Defines, in this section, "federal law enforcement officer." Makes nonsubstantive changes.

(c) Provides that an owner, lessee, or occupant of agricultural land is not liable for any damages or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. Provides that the owner, lessee, or occupant of agricultural land is not liable for the damage or injury regardless of whether the damages or injury occurs on the agricultural land.

(d) Provides that an owner, lessee, or occupant of agricultural land is not liable for any damages or injury to any person or property that arises from the actions of an individual who, because of the actions of a peace officer or federal law enforcement officer, enters or causes another person to enter the agricultural land without the permission of the owner, lessee, or occupant.

(e) Provides that this section does not limit the liability of an owner, lessee, or occupant of agricultural land for any damage or injury that arises from a wilful or wanton act or gross negligence by the owner, lessee, or occupant.

SECTION 3. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2011.