

BILL ANALYSIS

S.B. 947
By: Nelson
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Adverse possession is a legal means of obtaining property without holding title to the land through peaceful and continuous possession. It is a useful tool to resolve disputed property boundaries or to cultivate truly abandoned rural property, but some people in suburban areas of the state have tried to frivolously apply the law to steal homes when residents temporarily leave them vacant, casually known as "squatting." Stricter laws are needed to deter these unscrupulous activities.

S.B. 947 amends current law relating to adverse possession of real property as a defense to certain offenses against property.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 30.02, Penal Code, by adding Subsection (e), as follows:

(e) Provides that it is not a defense to prosecution under this section that the person whose criminal responsibility is in issue in a criminal action (actor) is attempting to take ownership of the real property through adverse possession or a claim of adverse possession unless the actor has full title subject to Section 16.030 (Title Through Adverse Possession) of the Civil Practices and Remedies Code.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2013.

EFFECTIVE DATE

September 1, 2013.