

By: Hegar

S.B. No. 701

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for criminal trespass.

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

SECTION 1. Subsection (e), Section 30.05, Penal Code, is amended to read as follows:

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

(1) a firefighter or emergency medical services personnel, as defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances;

(2) a person who was:

(A) an employee or agent of:

(i) an electric utility, as defined by Section 31.002, Utilities Code;

(ii) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(iii) a video service provider or cable service provider, as defined by Section 66.002, Utilities Code;

(iv) a gas utility, as defined by Section 101.003, Utilities Code, which for the purposes of this subsection includes a municipally owned utility as defined by that section;

(v) a gas utility, as defined by Section  
[~~ex~~] 121.001, Utilities Code; [~~ex~~]

1                    (vi) [~~(v)~~] a pipeline used for the  
2 transportation or sale of oil, gas, or related products; or  
3                    (vii) an electric cooperative or  
4 municipally owned utility, as defined by Section 11.003, Utilities  
5 Code; and

6                    (B) performing a duty within the scope of that  
7 employment or agency; or

8                    (3) a person who was:

9                    (A) employed by or acting as agent for an entity  
10 that had, or that the person reasonably believed had, effective  
11 consent or authorization provided by law to enter the property; and

12                    (B) performing a duty within the scope of that  
13 employment or agency.

14                    SECTION 2. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect on the date the offense was committed,  
18 and the former law is continued in effect for that purpose. For  
19 purposes of this section, an offense was committed before the  
20 effective date of this Act if any element of the offense occurred  
21 before that date.

22                    SECTION 3. This Act takes effect September 1, 2013.