

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. Section 30.05(e), 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 or 121.001, Utilities Code; ~~or~~

(v) a pipeline used for the transportation or sale of oil, gas, or related products; or

(vi) an electric cooperative or municipally

1 owned utility, as defined by Section 11.003, Utilities Code; and

2 (B) performing a duty within the scope of that
3 employment or agency; or

4 (3) a person who was:

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

8 (B) performing a duty within the scope of that
9 employment or agency.

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

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