

1-1 By: Hegar S.B. No. 701  
1-2 (In the Senate - Filed February 21, 2013; February 25, 2013,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 25, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 25, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona		X	
1-12	Hinojosa	X		
1-13	Patrick		X	
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 701 By: Schwertner

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to a defense to prosecution for criminal trespass.  
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-21 SECTION 1. Subsection (e), Section 30.05, Penal Code, is  
1-22 amended to read as follows:  
1-23 (e) It is a defense to prosecution under this section that  
1-24 the actor at the time of the offense was:  
1-25 (1) a firefighter or emergency medical services  
1-26 personnel, as defined by Section 773.003, Health and Safety Code,  
1-27 acting in the lawful discharge of an official duty under exigent  
1-28 circumstances;  
1-29 (2) a person who was:  
1-30 (A) an employee or agent of:  
1-31 (i) an electric utility, as defined by  
1-32 Section 31.002, Utilities Code;  
1-33 (ii) a telecommunications provider, as  
1-34 defined by Section 51.002, Utilities Code;  
1-35 (iii) a video service provider or cable  
1-36 service provider, as defined by Section 66.002, Utilities Code;  
1-37 (iv) a gas utility, as defined by Section  
1-38 101.003, Utilities Code, which for the purposes of this subsection  
1-39 includes a municipally owned utility as defined by that section;  
1-40 (v) a gas utility, as defined by Section  
1-41 ~~[or]~~ 121.001, Utilities Code; ~~[or]~~  
1-42 (vi) ~~[-v-]~~ a pipeline used for the  
1-43 transportation or sale of oil, gas, or related products; or  
1-44 (vii) an electric cooperative or  
1-45 municipally owned utility, as defined by Section 11.003, Utilities  
1-46 Code; and  
1-47 (B) performing a duty within the scope of that  
1-48 employment or agency; or  
1-49 (3) a person who was:  
1-50 (A) employed by or acting as agent for an entity  
1-51 that had, or that the person reasonably believed had, effective  
1-52 consent or authorization provided by law to enter the property; and  
1-53 (B) performing a duty within the scope of that  
1-54 employment or agency.  
1-55 SECTION 2. The change in law made by this Act applies only  
1-56 to an offense committed on or after the effective date of this Act.  
1-57 An offense committed before the effective date of this Act is  
1-58 governed by the law in effect on the date the offense was committed,  
1-59 and the former law is continued in effect for that purpose. For  
1-60 purposes of this section, an offense was committed before the

2-1 effective date of this Act if any element of the offense occurred  
2-2 before that date.

2-3 SECTION 3. This Act takes effect September 1, 2013.

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