

By: Watson
(Moody)

S.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to increasing the punishment for certain conduct
constituting the offense of criminal trespass.

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

SECTION 1. Section 30.05(b), Penal Code, is amended by
adding Subdivision (12) to read as follows:

(12) "Institution of higher education" has the meaning
assigned by Section 61.003, Education Code.

SECTION 2. Section 30.05, Penal Code, is amended by
amending Subsection (d) and adding Subsection (d-1) to read as
follows:

(d) An offense under this section is:

(1) a Class B misdemeanor, except as provided by
Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by
Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of
the boundary of the land; or

(B) on residential land and within 100 feet of a
protected freshwater area; and

(3) a Class A misdemeanor if:

(A) the offense is committed:

(i) in a habitation or a shelter center;

(ii) on a Superfund site; or

(iii) on or in a critical infrastructure facility; ~~[or]~~

(B) the offense is committed on or in property of an institution of higher education and it is shown on the trial of the offense that the person has previously been convicted of:

(i) an offense under this section relating to entering or remaining on or in property of an institution of higher education; or

(ii) an offense under Section 51.204(b)(1), Education Code, relating to trespassing on the grounds of an institution of higher education; or

(C) the person carries a deadly weapon during the commission of the offense.

(d-1) For the purposes of Subsection (d)(3)(B), a person has previously been convicted of an offense described by that paragraph if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication community supervision, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the person was subsequently discharged from deferred adjudication community supervision.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the

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

3 SECTION 4. This Act takes effect September 1, 2017.