

By: Buckingham, Bettencourt, Schwertner

S.B. No. 987

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on camping in a public place; creating a criminal offense.

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

SECTION 1. Chapter 48, Penal Code, is amended by adding Section 48.05 to read as follows:

Sec. 48.05. PROHIBITED CAMPING. (a) In this section:

(1) "Camp" means to reside temporarily in a place, with shelter.

(2) "Shelter" includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of shelter, other than clothing, designed to protect a person from weather conditions that threaten personal health and safety.

(b) A person commits an offense if the person intentionally or knowingly camps in a public place without the consent of the officer or agency having the legal duty or authority to manage the public place.

(c) The actor's intent or knowledge may be established through evidence of activities associated with sustaining a living accommodation that are conducted in a public place, including:

(1) cooking;

(2) making a fire;

(3) storing personal belongings for an extended period;

1 (4) digging; or

2 (5) sleeping.

3 (d) Consent given by an officer or agency of a political
4 subdivision is not effective for purposes of Subsection (b).

5 (e) For purposes of Subsection (b), a designation made by a
6 state officer or agency that an area owned and controlled by a
7 political subdivision may be used for camping constitutes consent
8 to camping on that property. A state officer or agency may
9 designate an area as described by this subsection only if that
10 designation is proposed to the officer or agency by the applicable
11 political subdivision.

12 (f) An offense under this section is a Class C misdemeanor.

13 (g) This section does not preempt an ordinance, order, rule,
14 or other regulation adopted by a state agency or political
15 subdivision relating to prohibiting camping in a public place or
16 affect the authority of a state agency or political subdivision to
17 adopt or enforce an ordinance, order, rule, or other regulation
18 relating to prohibiting camping in a public place if the ordinance,
19 order, rule, or other regulation:

20 (1) is compatible with and equal to or more stringent
21 than the offense prescribed by this section; or

22 (2) relates to an issue not specifically addressed by
23 this section.

24 SECTION 2. Subtitle C, Title 11, Local Government Code, is
25 amended by adding Chapter 364 to read as follows:

26 CHAPTER 364. ENFORCEMENT OF PUBLIC CAMPING BANS

27 Sec. 364.001. DEFINITIONS. In this chapter:

1 (1) "Local entity" means:

2 (A) the governing body of a municipality or
3 county;

4 (B) an officer or employee of or a division,
5 department, or other body that is part of a municipality or county,
6 including a sheriff, municipal police department, municipal
7 attorney, or county attorney; and

8 (C) a district attorney or criminal district
9 attorney.

10 (2) "Policy" includes a formal, written rule,
11 ordinance, order, or policy and an informal, unwritten policy.

12 (3) "Public camping ban" means a law, rule, ordinance,
13 order, or other regulation that prohibits camping in a public
14 place, including Section 48.05, Penal Code.

15 Sec. 364.002. POLICY ON CAMPING BANS. (a) A local entity
16 may not adopt or enforce a policy under which the entity prohibits
17 or discourages the enforcement of any public camping ban.

18 (b) In compliance with Subsection (a), a local entity may
19 not prohibit or discourage a peace officer or prosecuting attorney
20 who is employed by or otherwise under the direction or control of
21 the entity from enforcing a public camping ban.

22 Sec. 364.003. INJUNCTIVE RELIEF. (a) The attorney general
23 may bring an action in a district court in Travis County or in a
24 county in which the principal office of the entity is located to
25 enjoin a violation of Section 364.002.

26 (b) The attorney general may recover reasonable expenses
27 incurred in obtaining relief under this section, including court

1 costs, reasonable attorney's fees, investigative costs, witness
2 fees, and deposition costs.

3 Sec. 364.004. DENIAL OF STATE GRANT FUNDS. (a) A local
4 entity may not receive state grant funds, and state grant funds for
5 the local entity shall be denied, for the state fiscal year
6 following the year in which a final judicial determination in an
7 action brought under Section 364.003 is made that the entity has
8 intentionally violated Section 364.002.

9 (b) The comptroller shall adopt rules to implement this
10 section uniformly among the state agencies from which state grant
11 funds are distributed to a municipality or county.

12 (c) A local entity that has not violated Section 364.002 may
13 not be denied state grant funds, regardless of whether the entity is
14 a part of another entity that is in violation of that section.

15 SECTION 3. This Act takes effect September 1, 2021.