

By: Schaefer

H.B. No. 79

A BILL TO BE ENTITLED

AN ACT

1
2 relating to civil and criminal trespass while entering this state
3 from a neighboring jurisdiction without consent of the owner;
4 creating a criminal offense; creating a civil penalty.

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

6 SECTION 1. TRESPASS: CIVIL AND CRIMINAL PENALTIES

7 SECTION 1.01. Article 17.44, Code of Criminal Procedure, is
8 amended by adding Subsection (b-1) to read as follows:

9 (b-1) A magistrate shall require as a condition of release
10 on bond for a defendant arrested for an offense under Section 30.08,
11 Penal Code, that the defendant submit to electronic monitoring
12 unless the magistrate finds that the defendant is not a flight risk.

13 SECTION 1.02. Chapter 752, Government Code, is amended by
14 adding Subchapter D to read as follows:

15 SUBCHAPTER D. ENFORCEMENT BY ATTORNEY GENERAL

16 Sec. 752.101. CIVIL PENALTY: TRESPASS WHILE ENTERING THIS
17 STATE. (a) A person who engages in conduct constituting an offense
18 under Section 30.08, Penal Code, is liable to this state for a civil
19 penalty in an amount not to exceed \$10,000 for each occurrence of
20 the conduct.

21 (b) The attorney general may bring an action to collect the
22 civil penalty and may recover attorney's fees and costs incurred in
23 bringing the action.

24 SECTION 1.03. Chapter 30, Penal Code, is amended by adding

1 Section 30.08 to read as follows:

2 Sec. 30.08. TRESPASS WHILE ENTERING THIS STATE. (a) A
3 person commits an offense if the person knowingly enters the
4 property of another, without the effective consent of the owner,
5 while knowingly entering this state from any neighboring
6 jurisdiction, regardless of the person's immigration status.

7 (b) An offense under this section is a felony of the third
8 degree.

9 (c) If conduct that constitutes an offense under this
10 section also constitutes an offense under another law, the actor
11 may be prosecuted under this section, the other law, or both.

12 SECTION 2. SEVERABILITY; EFFECTIVE DATE

13 SECTION 2.01. (a) If any provision of this Act or its
14 application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of this
16 Act that can be given effect without the invalid provision or
17 application, and to this end the provisions of this Act are declared
18 to be severable.

19 (b) Subsection (a) of this section does not affect another
20 severability provision contained in this Act.

21 SECTION 2.02. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect on the 91st day after the last day of
26 the legislative session.