By:  Vasut H.B. No. 55

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal consequences of trespassing on the property of another while entering this state from a neighboring jurisdiction; creating a criminal offense; providing a civil penalty.

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

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

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

SECTION 2.  Chapter 752, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ENFORCEMENT BY ATTORNEY GENERAL

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

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

SECTION 3.  Chapter 30, Penal Code, is amended by adding Section 30.08 to read as follows:

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

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

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

SECTION 4.  If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5.  This Act takes effect on the 91st day after the last day of the legislative session.