By:  Blanco, et al. S.B. No. 1133

(In the Senate - Filed February 23, 2023; March 9, 2023, read first time and referred to Committee on Border Security; March 29, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 0; March 29, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Birdwell        X

Flores          X

Blanco          X

Hinojosa        X

King            X

COMMITTEE SUBSTITUTE FOR S.B. No. 1133 By:  Flores

A BILL TO BE ENTITLED

AN ACT

relating to a grant program to compensate landowners for property damage caused by certain criminal activities.

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

SECTION 1.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 56C to read as follows:

CHAPTER 56C. GRANT PROGRAM FOR LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY CERTAIN CRIMINAL ACTIVITIES

Art. 56C.001.  DEFINITIONS. In this chapter:

(1)  "Agricultural land" includes any land the use of which qualifies the land for appraisal based on agricultural use as defined under Subchapter D, Chapter 23, Tax Code.

(2)  "Border crime" means conduct constituting an offense listed in Article 56C.002(a)(1), (2), or (3) and involving transnational criminal activity.

(3)  "Trespasser" has the meaning assigned by Section 75.007, Civil Practice and Remedies Code.

Art. 56C.002.  GRANT PROGRAM. (a) From money appropriated for the purpose, the attorney general shall establish and administer a grant program to compensate landowners who suffer property damage on agricultural land caused by a trespasser as a result of an offense under Chapter 28, Penal Code, that was committed in the course of or in furtherance of an offense under:

(1)  Subchapter D, Chapter 481, Health and Safety Code;

(2)  Section 20.05 or 38.04, Penal Code; or

(3)  Chapter 20A, Penal Code.

(b)  The attorney general shall establish:

(1)  eligibility criteria for grant applicants;

(2)  grant application procedures;

(3)  criteria for evaluating grant applications and awarding grants;

(4)  guidelines related to grant amounts, provided that the maximum amount awarded per grant may not exceed $100,000; and

(5)  procedures for monitoring the use of a grant awarded under this article and ensuring compliance with any conditions of the grant.

(c)  The eligibility criteria established under Subsection (b)(1) must include a requirement that the applicant reported the property damage to an appropriate law enforcement agency promptly after discovering the damage.

(d)  In awarding a grant under this article, the attorney general:

(1)  shall give priority to:

(A)  applicants who suffered property damage as a result of an offense that was committed in the course of or in furtherance of a border crime; and

(B)  applicants who suffered damage to structures, including fences, on the agricultural land; and

(2)  may not consider the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered property damage or the applicable offense listed in Subsection (a)(1), (2), or (3).

Art. 56C.003.  ANNUAL REPORT. Not later than the 100th day after the end of each state fiscal year, the attorney general shall submit to the governor and the legislature a report on the attorney general's activities under this chapter during the preceding fiscal year that includes the following information, disaggregated by each offense listed in Articles 56C.002(a)(1), (2), and (3):

(1)  the number of grant applications made;

(2)  the number of grants awarded; and

(3)  the amount of grant money distributed.

Art. 56C.004.  PAYER OF LAST RESORT. The grant program established under Article 56C.002 is a payer of last resort for property damage described by that article.

SECTION 2.  This Act takes effect September 1, 2023.

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