

By: Eckhardt

S.B. No. 206

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of criminal trespass.

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

SECTION 1. Section 30.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, a general residential operation operating as a residential treatment center, or an aircraft or other vehicle, without effective consent and the person:

(1) had notice that the entry was forbidden; or

(2) received notice to depart but failed to do so.

SECTION 2. Section 30.05(b)(2), Penal Code, is amended to read as follows:

(2) "Notice" means:

(A) oral or written communication or other personal notice that is given by the owner or someone with apparent authority to act for the owner and that a reasonable person would understand;

(B) fencing or other enclosure ~~[obviously]~~ designed to exclude intruders or to contain livestock and maintained in a condition that would lead a reasonable person to

1 believe that the enclosure was intended to serve that purpose;

2 (C) a sign or signs posted on the property or at
3 the entrance to the building, reasonably likely to come to the
4 attention of intruders, clearly and explicitly indicating that
5 entry is forbidden;

6 (D) the placement of identifying purple paint
7 marks on trees or posts on the property, provided that the marks
8 are:

9 (i) vertical lines of not less than eight
10 inches in length and not less than one inch in width;

11 (ii) placed so that the bottom of the mark
12 is not less than three feet from the ground or more than five feet
13 from the ground; and

14 (iii) placed at locations that are readily
15 visible to any person approaching the property and no more than:

16 (a) 100 feet apart on forest land; or

17 (b) 1,000 feet apart on land other
18 than forest land; or

19 (E) the visible presence on the property of a
20 crop grown for human consumption that is under cultivation, in the
21 process of being harvested, or marketable if harvested at the time
22 of entry.

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

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1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 4. This Act takes effect September 1, 2023.