

## **BILL ANALYSIS**

C.S.H.B. 353  
By: Patterson  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that a day-care center in their district experienced issues with a particular man loitering from private property near their playground when the children at the day-care were playing outside on the gated but exposed playground. As a result of the playground's open viewing, the man placed a lawn chair less than 250 feet from the playground on private property and watched the children while they played, after which the day-care prohibited the children from using the playground to protect the safety of the children and staff. Further, when the day-care reached out to the police, they were told that there is no special protection for trespassing near a school or day-care center. C.S.H.B. 353 seeks to protect school and day-care center staff and children by creating an offense for individuals who trespass on a school or day-care center or within 250 feet of its property and do not have a reason or relationship involving custody of or responsibility for a student at the school or day-care center, among other conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 353 amends the Penal Code to create the Class A misdemeanor offense of trespass on or near school or day-care center property for a person who enters or remains on such property or on public property, including a street, highway, alley, public park, or sidewalk, located within 250 feet of such property under the following circumstances:

- the person does not have a reason or relationship for entering or remaining on the property that involves custody of or responsibility for a student enrolled at the school or day-care center or written permission from an authorized representative of the school or day-care center; and
- the person receives a reasonable request to depart by an administrator, educator, or security personnel officer employed by the school or day-care center and fails to depart.

If conduct constituting this offense also constitutes another Penal Code offense, the actor may be prosecuted for either offense or both offenses.

C.S.H.B. 353 defines the following terms:

- "day-care center" by reference to its meaning assigned by Human Resources provisions relating to the regulation of certain facilities, homes, and agencies that provide child-care services;
- "school" as a private or public elementary or secondary school; and
- "school or day-care center property" as all land and buildings owned or leased by a school or day-care center and any grounds or buildings on which an activity sponsored by the school or day-care center is being conducted.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 353 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the introduced and substitute both create the offense of trespass on or near school or day-care center property, the versions differ as follows:

- whereas the introduced included among the conduct constituting the offense that the trespassing person either poses a substantial risk of harm to any person or, on more than one occasion and under the same scheme or course of conduct, behaves in a manner that is inappropriate for a school or day-care center setting, the substitute does not;
- the substitute includes among the conduct constituting the offense that the person does not have a reason or relationship for entering or remaining on the property that involves custody of or responsibility of a student enrolled at the school or day-care center or written permission for an authorized representative of the school or day-care center, which was not included in the introduced; and
- with respect to the request received by the person to depart by an administrator, educator, or security personnel officer employed by the school or day-care center for purposes of conduct constituting the offense, the substitute specifies that the request is a reasonable request, whereas the introduced did not include this specification.