

## **BILL ANALYSIS**

S.B. 241  
By: Flores  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 87th Texas Legislature passed H.B. 1925, which instituted a statewide ban on camping in public places. The purpose was to address the problem of homeless campsites in public areas that presented a safety and health hazard to those living there as well as to the surrounding communities. Under the bill, local entities were prohibited from adopting or enforcing a policy that prohibited or discouraged enforcement of a public camping ban and required plan approval for designated camping areas. However, the bill sponsor has informed the committee that many municipalities still have open campsites throughout their jurisdictions, that the attorney general has found it difficult to seek injunctive relief under the existing statutory framework, and that a change in the law is needed to make it easier to enforce the ban and for the attorney general to take action against cities that continue to allow open camping.

S.B. 241 addresses these issues by specifying that a local entity may not prohibit or discourage the investigation or enforcement of violations of the public camping ban following official complaints made by a person. Additionally, the bill contains provisions for declaring a local entity that does not enforce the camping ban a "violating local entity," authorizes the Department of Public Safety to enforce the camping ban, and institutes a structure to withhold sales taxes from such entities for the amount of money the state spent that year in enforcing the camping ban.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTION 9 of this bill.

### **ANALYSIS**

S.B. 241 amends the Local Government Code, Penal Code, and Tax Code, to revise provisions relating to camping in a public place.

#### **Enforcement of Public Camping Bans**

S.B. 241 amends the Local Government Code to revise the current prohibition against a local entity, defined as a district attorney or criminal district attorney, the governing body of a municipality or county, or an officer or employee of or a division, department, or other body that is part of a municipality or county, including a sheriff, municipal police department, municipal attorney, or county attorney, adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban by specifying that this

prohibition applies also to prohibiting or discouraging the investigation or enforcement of a violation of a public camping ban. The bill prohibits a local entity from permitting camping by homeless individuals on a property designated for that purpose until the Texas Department of Housing and Community Affairs has approved a plan for the property as required by the Government Code.

S.B. 241 requires each governing body of a municipality or county, not later than December 1, 2025, to develop and implement a process that allows a person to file a complaint with the governing body regarding a violation of a public camping ban. Each year, those governing bodies must report to the attorney general, in the form and manner prescribed by the attorney general, the following information:

- the number of complaints received as part of the governing body's complaint process;
- the disposition of each complaint, including court-ordered diversion programs;
- the number of arrests made or citations in lieu of arrest issued for a violation of a public camping ban; and
- any other information related to public camping bans as required by the attorney general.

The bill requires the attorney general by rule to prescribe the form and manner for reporting not later than January 1, 2026.

S.B. 241, for each complaint received by the governing body under the bill's provisions, requires the governing body to take an action to resolve the complaint regarding a violation of a public camping ban not later than the 90th day after the date the complaint is received. If the governing body does not take the required action before the end of the 90-day period, the attorney general must issue a written declaration that the governing body is a "violating local entity" for the state fiscal year in which the end of the 90-day period occurs. The bill requires the attorney general to send a copy of the written declaration to the governing body and the comptroller of public accounts.

S.B. 241 authorizes the attorney general or the Department of Public Safety (DPS) to enforce the Penal Code offense of prohibited camping. For each such enforcement action that occurs within the boundaries of a local entity that is a "violating local entity," the attorney general or DPS may recover any costs associated with the enforcement action from the local entity in accordance with the bill's provisions relating to the distribution of trust funds to a county or municipality that fails to act on a public camping ban complaint.

### **Prohibited Camping Offense**

S.B. 241 amends the Penal Code to revise provisions requiring a peace officer enforcing the prohibited camping offense to ensure that all of the personal property not designated as contraband under other law of a person arrested or detained solely for that offense is preserved by permitting the person to remove all the property from the public place at the time of the person's departure or taking custody of the property and allowing the person to retrieve the property after the person is released from custody as follows:

- establishing that this requirement does not apply to personal property that is a permanent or semipermanent structure unless the structure is a camping tent; and
- limiting the property that the officer must take custody of and allow the person to later retrieve after release from custody, if not permitting the person to remove all property at the time of departure, to only the person's nonhazardous personal property.

These Penal Code provisions apply only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

## **Distribution of Trust Funds to a Municipality or County That Fails to Act on Public Camping Ban Complaint**

S.B. 241 amends the Tax Code to require the attorney general and DPS, not later than August 1 of each state fiscal year, to report to the comptroller the amount of money the attorney general or DPS spent in that state fiscal year taking enforcement actions in each municipal or county declared a violating local entity for a state fiscal year under the bill's provisions. The attorney general and DPS must make a reasonable estimate of the amount spent after the date the report is made until the end of the state fiscal year based on amounts spent before the date the report is made. The bill prohibits the comptroller, after the date the comptroller receives notice that a municipality or county is a violating local entity for a state fiscal year, from sending to the municipality or county its share of the taxes collected by the comptroller under the Municipal Sales and Use Tax Act or the County Sales and Use Tax Act, as applicable, during the state fiscal year until the comptroller deducts the amount reported to the comptroller for the violating local entity by the attorney general and DPS. The bill requires the comptroller to credit that deducted amount to the general revenue fund and restricts the appropriation of that money to the attorney general or DPS, as applicable. These provisions apply only to a distribution of sales and use tax revenue to a municipality or county in a state fiscal year that begins on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2025.