

BILL ANALYSIS

Senate Research Center
89R21854 MEW-D

C.S.S.B. 1602
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, while trespassing is generally illegal, there are no specific statutes that apply to trespassing near schools or day-care centers with the same focus on safety or threat mitigation. Existing laws also lack clear parameters for how proximity to school or day-care center property should be treated legally when a person's presence is disruptive or potentially harmful. Additionally, school administrators or security personnel may struggle to take effective legal action when dealing with individuals who refuse to depart after being asked to leave, especially if their actions pose no immediate criminal threat but still create an unsafe or uncomfortable environment. There have been instances in SD 30 of men loitering near day cares, and the schools involved are put in the unenviable position of suspending playground time when vagrants are present, losing teaching hours to monitor people on campus, and general safety concerns.

S.B. 1602 aims to address the growing concern of unauthorized individuals trespassing on or near school and day-care center properties, particularly in ways that pose a potential threat to the safety and wellbeing of children, staff, and other individuals present. As schools and day-care centers are environments where vulnerable populations gather, ensuring their security is paramount. This bill establishes a new criminal offense, specifically addressing trespassing in the immediate vicinity of such institutions and providing a legal basis for action when individuals pose a risk or behave inappropriately on these premises.

This bill differentiates itself from existing laws by focusing not only on the direct trespassing on school or day-care property but also extending the protected zone to public property within 250 feet of these institutions. It creates specific criminal liability for those who pose a substantial risk of harm or repeatedly engage in inappropriate behavior within this defined area. It also clarifies the process for law enforcement and school officials to act when someone is asked to leave but refuses to do so. The legislation aims to prevent situations that could escalate into dangerous confrontations, while also ensuring the safety of children and staff in and around schools and day-care centers. It is a proactive effort to protect our students instead of waiting for something to happen to them.

Committee Substitute:

C.S.S.B. 1602 simply adds the "more than once" designator to ensure we are not prosecuting people who were simply walking; they must represent a recurring problem to staff and children at the school.

C.S.S.B. 1602 amends current law relating to creating the criminal offense of trespass on or near school or day-care center property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Penal Code, by adding Section 30.055, as follows:

Sec. 30.055. TRESPASS ON OR NEAR SCHOOL OR DAY-CARE CENTER PROPERTY. (a) Defines "day-care center," "public property," "school," and "school or day-care center property."

(b) Provides that a person commits an offense if the person:

(1) enters or remains on school or day-care center property or public property located within 500 feet of school or day-care center property;

(2) while in the location described by Subdivision (1), poses a substantial risk of harm to any person, causes a disruption to the school or day-care center learning environment, or, on more than one occasion and pursuant to the same scheme or course of conduct, behaves in a manner that is inappropriate for a school or day-care center setting; and

(3) receives a request to depart by an administrator, educator, or security personnel officer employed by the school or day-care center and fails to depart.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Authorizes the actor, if conduct constituting an offense under this section also constitutes an offense under another section of the Penal Code, to be prosecuted under either section or both sections.

SECTION 2. Effective date: September 1, 2025.