

BILL ANALYSIS

Senate Research Center

S.B. 2601
By: Blanco
Border Security
7/21/2025
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Landowner's Compensation Program, established by S.B. 1133 in the 88th Legislature (2023), compensates agricultural landowners for property damage caused by certain border crimes. Administered by the Office of the Attorney General, the program processes applications and conducts outreach to eligible landowners. Since the program's inception in May 2024, an interim charge analyzing its implementation—along with stakeholder feedback from across Texas—has led to recommendations for improvements.

In response to the feedback received, S.B. 2601 proposes key improvements to the program, including: adding the continuous smuggling of persons to the list of border crimes for which compensation can be awarded; allowing for compensation to be awarded for debris, pollutants, and contaminants damaging land; and allowing land lessees to directly receive compensation with the landowner's consent. Additionally, this bill prohibits insurance companies from raising rates on landowners for claims filed due to the eligibility requirements of the program. S.B. 2601 strengthens support for victims of property damage caused by border crimes, ensuring they receive fair and timely compensation while preserving Texas's agricultural integrity.

(Original Author's/Sponsor's Statement of Intent)

S.B. 2601 amends current law relating to the landowner compensation program.

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 Article 56C.001(2), Code of Criminal Procedure, to redefine "border crime."

SECTION 2. Amends Article 56C.003, Code of Criminal Procedure, as follows:

Art. 56C.003. LANDOWNER COMPENSATION PROGRAM. (a) Requires the attorney general, from the funding sources described by Subsection (a-1), rather than from money appropriated for the purpose, to establish and administer a program to compensate landowners and lessees who suffer real property damage on agricultural land, or damage to livestock, timber, or crops on agricultural land, caused by certain persons or law enforcement responses.

(a-1) Authorizes the attorney general to use money from the following sources to establish the program described by Subsection (a): money appropriated, credited, or transferred by the legislature for purposes of the program and grants and reimbursements received from the federal government for purposes of the program.

(b) Requires the attorney general to establish certain criteria and procedures, including guidelines related to compensation amounts, provided that the

maximum amount awarded per incident causing damage is prohibited from exceeding a total of \$75,000 and any portion of damages attributable to livestock, timber, or crops is prohibited from exceeding \$10,000.

(b-1) Provides that damage caused to agricultural land includes any debris, pollutants, or contaminants left on the land during the applicable incident, and authorizes compensation awarded under Article 56C.003 (Landowner Compensation Program), for purposes of Subsection (a), to include an amount necessary to restore the soil to clean up the debris, pollutants, or contaminants to restore the soil to its agricultural use.

(c) Prohibits the attorney general from awarding compensation under this article for damage, rather than for real property damage, caused by a trespasser described by Subsection (a)(1) (relating to damage caused by a trespasser as a result of an offense committed as part of a border crime) unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime.

(c-1) Requires a law enforcement agency, on request by the attorney general and not later than the 14th business day after the date of the request, to release to the attorney general all reports, including witness statements and criminal history record information, to allow the attorney general to determine whether a person qualifies for an award of compensation under this article and the extent of the damage.

(c-2) Prohibits the attorney general from awarding compensation under this article to a lessee for real property damage caused by a trespasser described by Subsection (a)(1) unless the lessee provides a notarized statement from the landowner authorizing the lessee to directly receive compensation awarded under this article for the damage.

(d) Prohibits the attorney general, in awarding compensation under this article for damage, rather than real property damage, caused by a trespasser described by Subsection (a)(1), from considering the outcome of any criminal prosecution arising out of the offense under Chapter 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), Penal Code, as a result of which the applicant suffered damage, rather than property damage. Makes nonsubstantive changes.

SECTION 3. Amends Article 56C.006(a), Code of Criminal Procedure, to make a conforming change.

SECTION 4. Amends Sections 552.132(a), (b), (c), and (d), Government Code, as follows:

(a) Redefines "crime victim or claimant."

(b) Provides that certain information held by the Office of the Attorney General (OAG), rather than the crime victim's compensation division of OAG, in connection with an application for compensation under Chapter 56B (Crime Victims' Compensation) or 56C (Landowner Compensation for Property Damage Caused by Certain Criminal Activities), Code of Criminal Procedure, is confidential.

(c) Provides that, if the crime victim or claimant is awarded compensation under certain articles of the Code of Criminal Procedure, including Article 56C.003, as of the date of the award of compensation, the name of the crime victim or claimant and the amount of compensation awarded to that crime victim or claimant are public information and are not excepted from the requirements of Section 552.021 (Availability of Public Information). Makes a nonsubstantive change.

(d) Authorizes an employee of a governmental body who is also a victim under Chapter 56B, Code of Criminal Procedure, or has suffered property damage for which the

employee is eligible for compensation under Chapter 56C of that code, regardless of whether the employee has filed an application for compensation under the applicable chapter, to elect whether to allow public access to information held by OAG or other governmental body that would identify or tend to identify the employee, rather than the victim, including a photograph or other visual representation of the employee. Requires that an election under this subsection be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of certain dates, including the date the crime was committed or the property damage occurred, as applicable. Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 2251.052, Insurance Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits an insurer, in setting rates, from considering whether a claim has been made by or on behalf of a policyholder in relation to an event documented by a report described by Article 56C.003(c), Code of Criminal Procedure.

SECTION 6. Makes application of Chapter 56C, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 7. Makes application of Section 2251.052(a-1), Insurance Code, as added by this Act, prospective.

SECTION 8. Effective date: September 1, 2025.