

## **BILL ANALYSIS**

C.S.S.B. 2601  
By: Blanco  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 88th Texas Legislature created a compensation program for agricultural landowners impacted by border-related crime. The bill sponsor has informed the committee that there are ongoing concerns about the financial losses experienced by agricultural landowners and lessees whose property is damaged by trespassers or during law enforcement responses to border crime, and there have been requests for broader eligibility, streamlined processes, and more comprehensive coverage for damages. C.S.S.B. 2601 seeks to expand and improve the state's existing compensation program in order to support landowners and lessees who face economic hardship due to property damage resulting from criminal activity or law enforcement actions along the Texas-Mexico border. The bill also adds privacy protections for program applicants and prohibits property and casualty insurers from considering certain claims related to border crime in setting rates.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 2601 amends the Code of Criminal Procedure to rename the landowner compensation program established and administered by the attorney general for the purpose of providing compensation for property damage caused by certain border crime activities as the border crime property damage compensation program. The bill expands the program as follows:

- changes the persons eligible for compensation from landowners who suffer real property damage on agricultural land caused by one of the following to landowners and lessees who suffer damage to agricultural land, including buildings or other improvements, or to livestock, timber, or crops on agricultural land caused by one of the following:
  - a trespasser as a result of an offense involving arson, criminal mischief, or other property damage or destruction that was committed in the course of or in furtherance of a border crime; or
  - a law enforcement response to a trespasser who was engaged in a border crime.

For these purposes, damage caused to agricultural land includes any debris, pollutants, or contaminants left on the land during the applicable incident, and compensation awarded under the program may include an amount necessary to clean up the debris, pollutants, or contaminants to restore the soil to its agricultural use. The bill revises the definition of "border crime" for purposes of the program by including conduct that constitutes the offense of continuous smuggling of persons and involves transnational criminal activity.

C.S.S.B. 2601 removes the specification that the program is established from money appropriated for the purpose and specifies instead that the attorney general may use money from the following sources to establish the program:

- money appropriated, credited, or transferred by the legislature for purposes of the program;
- revenue that the legislature by statute dedicates for deposit to the credit of the program; and
- gifts, grants, and donations received by the state for purposes of the program, including grants and reimbursements received from the federal government.

The bill repeals the provision establishing that provisions relating to the program expire on the second anniversary of the date that all money appropriated for the program has been expended.

C.S.S.B. 2601 revises the requirement for the attorney general to establish guidelines related to compensation amounts, provided that the maximum amount awarded per incident causing damage may not exceed \$75,000, by specifying that the maximum amount may not exceed a total of \$75,000 and by providing that any portion of damages attributable to livestock, timber, or crops may not exceed \$10,000.

C.S.S.B. 2601 requires the attorney general to establish a standardized form and report template to be used by law enforcement agencies for purposes of documenting damage caused by a trespasser in accordance with the existing prohibition against the attorney general awarding compensation under the program for damage caused by a trespasser unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime. The bill requires a law enforcement agency that makes such a written report, 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 the program and the extent of the damage.

C.S.S.B. 2601 prohibits the attorney general from awarding compensation under the program to a lessee for real property damage caused by a trespasser unless the lessee provides a notarized statement from the landowner authorizing the lessee to directly receive compensation awarded under the program for the damage.

C.S.S.B. 2601 establishes that its provisions relating to the border crime property damage compensation program apply only to compensation for damages incurred in connection with conduct constituting an offense occurring on or after the bill's effective date. Compensation for damages incurred in connection with conduct constituting an offense occurring before the bill's effective date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, conduct constituting an offense occurred before the bill's effective date if any element of the offense occurred before that date.

C.S.S.B. 2601 amends the Government Code to revise state public information law by doing the following:

- expanding the meaning of "crime victim or claimant" for purposes of provisions relating to the confidentiality of crime victim or claimant information to include a person who has filed an application for compensation under the border crime property damage compensation program;
- replacing the provision making certain information held by the crime victim's compensation division of the attorney general's office confidential with a provision making such information held by the attorney general's office in connection with an application for compensation under the Crime Victims' Compensation Act or the program confidential;
- establishing that, if the crime victim or claimant is awarded compensation under the program, 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 public availability requirement of state public information law;

- authorizing an employee of a governmental body who has suffered property damage for which the employee is eligible for compensation under the program, regardless of whether the employee has filed an application for compensation under the program, to elect whether to allow public access to certain information that would identify or tend to identify the employee, including a photograph or other visual representation of the employee; and
- with respect to the requirement that such an election be made in writing on an applicable form, signed by the employee, and filed with the governmental body before the third anniversary of the latest to occur of certain specified dates, includes the date the property damage occurred as one of those dates, as applicable.

C.S.S.B. 2601 amends the Insurance Code to prohibit an insurer, in setting rates under statutory provisions governing property and casualty insurance, from considering whether a claim has been made by or on behalf of a policyholder in relation to an event documented by a written report by a law enforcement agency, using the standardized form and report template established by the bill, relating to property damage caused by a trespasser and occurring in connection with a border crime. These provisions apply only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2026. A policy delivered, issued for delivery, or renewed before January 1, 2026, is governed by the law as it existed immediately before the bill's effective date, and that law is continued in effect for that purpose.

C.S.S.B. 2601 repeals Article 56C.007, Code of Criminal Procedure.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2601 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and the substitute extend eligibility for compensation under the landowner compensation program to lessees who suffer applicable damage, the substitute additionally revises provisions relating to the program in the following ways, whereas the engrossed did not:

- renames the program as the border crime property damage compensation program;
- expands the type of damage that qualifies a person for compensation under the program to include damage to agricultural land, including buildings or other improvements, or to livestock, timber, or crops on agricultural land, instead of only real property damage on agricultural land as specified under current law;
- expands the authorized funding sources for the program;
- revises the provision setting the maximum amount of compensation awarded per incident causing damage at \$75,000 by specifying that the maximum amount may not exceed a total of \$75,000 and by providing that any portion of damages attributable to livestock, timber, or crops may not exceed \$10,000;
- requires the attorney general to establish a standardized form and report template to be used by law enforcement agencies for the purpose of documenting damage caused by a trespasser in a written report as required for the award of compensation under the program;

- repeals the provision establishing that the provisions relating to the program expire on the second anniversary of the date that all money appropriated for the program has been expended; and
- provides for the prospective applicability of the bill's provisions relating to the program.

Both the engrossed and the substitute specify that damage caused to agricultural land includes any debris, pollutants, or contaminants left on the land during the applicable incident and that compensation awarded under the program may include an amount necessary to clean up the debris, pollutants, or contaminants. However, the substitute specifies that qualifying clean up activities are for the purpose of restoring the soil to its agricultural use, whereas the engrossed did not include this specification.

With respect to the requirement in both versions for a law enforcement agency to release reports to the attorney general on request to allow the attorney general to determine whether a person qualifies for an award of compensation and the extent of the damage, the substitute clarifies that this requirement applies to a law enforcement agency that makes a written report, using the standardized form and report template, relating to property damage caused by a trespasser and occurring in connection with a border crime, whereas the engrossed did not.

The substitute makes certain changes to provisions of state public information law relating to the confidentiality of crime victim or claimant information to provide for the application of those provisions to a person who has filed an application for compensation under the border crime property damage compensation program, whereas the engrossed did not make these changes.