By:  Guillen H.B. No. 246

A BILL TO BE ENTITLED

AN ACT

relating to landowner compensation for certain damage to or on agricultural land caused by certain criminal activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Chapter 56C, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 56C. BORDER CRIME [~~LANDOWNER COMPENSATION FOR~~] PROPERTY DAMAGE COMPENSATION PROGRAM [~~CAUSED BY CERTAIN CRIMINAL ACTIVITIES~~]

SECTION 2.  Article 56C.001, Code of Criminal Procedure, is amended by amending Subdivision (2) and adding Subdivision (2-a) to read as follows:

(2)  "Border crime" means conduct:

(A)  constituting an offense under:

(i)  Subchapter D, Chapter 481, Health and Safety Code;

(ii)  Section 20.05, 20.06, or 38.04, Penal Code; or

(iii)  Chapter 20A, Penal Code; and

(B)  involving transnational criminal activity.

(2-a)  "Border region" has the meaning assigned by Section 772.0071, Government Code.

SECTION 3.  The heading to Article 56C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 56C.003.  BORDER CRIME PROPERTY DAMAGE [~~LANDOWNER~~] COMPENSATION PROGRAM.

SECTION 4.  Article 56C.003, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (a-1) and (b-1) to read as follows:

(a)  From the funding sources described by Subsection (a-1) [~~money appropriated for the purpose~~], the attorney general shall establish and administer a program to compensate:

(1)  landowners and lessees who suffer damage to agricultural land, including buildings or other improvements, or to livestock, game, timber, or crops [~~real property damage~~] on agricultural land caused by:

(A) [~~(1)~~]  a trespasser as a result of an offense under Chapter 28, Penal Code, that was committed in the course of or in furtherance of a border crime; or

(B) [~~(2)~~]  a law enforcement response to a trespasser who was engaged in a border crime; and

(2)  persons residing in the border region who suffer real or personal property damage caused by a person described by Subdivision (1)(A) or (B).

(a-1)  The attorney general may use money from the following sources to establish the program described by Subsection (a):

(1)  money appropriated, credited, or transferred by the legislature for purposes of the program;

(2)  revenue that the legislature by statute dedicates for deposit to the credit of the program;

(3)  gifts, grants, and donations received by the state for purposes of the program, including grants and reimbursements received from the federal government; and

(4)  proceeds received under Article 59.06(v).

(b)  The attorney general shall establish:

(1)  a standardized form and report template to be used by law enforcement agencies for the purpose of Subsection (c);

(2)  eligibility criteria for compensation under this article, including requirements for providing proof of eligibility for compensation;

(3) [~~(2)~~]  application procedures;

(4) [~~(3)~~]  criteria for evaluating applications and awarding compensation;

(5) [~~(4)~~]  guidelines related to compensation amounts, provided that the maximum amount awarded per incident causing damage may not exceed $75,000; and

(6) [~~(5)~~]  procedures for monitoring the use of compensation awarded under this article and ensuring compliance with any conditions of the award.

(b-1)  For purposes of Subsection (a), damage caused to agricultural land includes any debris, pollutants, or contaminants left on the land during the applicable incident, and compensation awarded under this article may include an amount necessary to restore the soil to its agricultural use.

(c)  The attorney general may not award compensation under this article for [~~real~~] property damage caused by a trespasser [~~described by Subsection (a)(1)~~] unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime.

(d)  In awarding compensation under this article for [~~real~~] property damage caused by a trespasser [~~described by Subsection (a)(1)~~], the attorney general may not consider the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered [~~property~~] damage or the applicable offense listed in Article 56C.001(2)(A).

SECTION 5.  Article 56C.006(a), Code of Criminal Procedure, is amended to read as follows:

(a)  The program established under Article 56C.003 is a payer of last resort for [~~real property~~] damage described by that article.

SECTION 6.  Article 59.06(t)(1), Code of Criminal Procedure, is amended to read as follows:

(t)(1)  This subsection applies only to contraband for which forfeiture is authorized with respect to an offense under Section [~~20.05, 20.06,~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

SECTION 7.  Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (v) to read as follows:

(v)  Notwithstanding any other provision of this article, with respect to forfeited property seized in connection with an offense under Section 20.05 or 20.06, Penal Code, in a proceeding under Article 59.05 in which judgment is rendered in favor of the state, the balance of the proceeds from the sale of forfeited property under Subsection (a), after all required distributions under Subsections (a)(1) and (2) and deductions under Subsection (a)(3) are made, shall be transferred to the credit of an account in the general revenue fund to be administered by the comptroller and may be appropriated only to the attorney general for the purpose of administering the border crime property damage compensation program under Chapter 56C.

SECTION 8.  Section 544.553, Insurance Code, is amended by adding Subsection (3) to read as follows:

(1)  use an underwriting guideline based solely on whether a consumer inquiry has been made by or on behalf of the applicant or insured; ~~or~~

(2)  charge a rate that is different from the rate charged to other individuals for the same coverage or increase a rate charged to an insured based solely on whether a consumer inquiry has been made by or on behalf of the applicant or insured; or

(3)  increase a rate charged to an insured based solely on whether a claim, as defined by Sec. 542.006 (a), has been made by or on behalf of the applicant or insured in relation to an event documented by a report under Article 56C.003(c), Code of Criminal Procedure.

SECTION 9.  Article 56C.007, Code of Criminal Procedure, is repealed.

SECTION 10.  The change in law made by this Act applies only to compensation for damages incurred in connection with conduct constituting an offense occurring on or after the effective date of this Act. Compensation for damages incurred in connection with conduct constituting an offense occurring before the effective date of this Act 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 purposes of this section, conduct constituting an offense occurred before the effective date of this Act if any element of the offense occurred before that date.

SECTION 11.  This Act takes effect September 1, 2025.