

By: Guillen, Morales of Maverick, Raymond,
et al.

H.B. No. 246

Substitute the following for H.B. No. 246:

By: King

C.S.H.B. No. 246

A BILL TO BE ENTITLED

AN ACT

relating to a border crime property damage compensation program.

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(2), Code of Criminal Procedure, is amended 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.

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

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

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

(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

(2) a law enforcement response to a trespasser who was engaged in a border crime.

(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; and

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

(b) The attorney general shall establish:

(1) a standardized form and report template to be used by law enforcement agencies for the purpose of documenting damage caused by a trespasser in accordance with 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;

1 (5) [(4)] guidelines related to compensation amounts,
2 provided that the maximum amount awarded per incident causing
3 damage may not exceed a total of \$75,000 and any portion of damages
4 attributable to livestock, timber, or crops may not exceed \$10,000;
5 and

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

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

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

20 (c-1) For purposes of allowing the attorney general to
21 determine whether a person qualifies for an award of compensation
22 under this article and the extent of the damage, a law enforcement
23 agency that makes a written report described by Subsection (c)
24 shall release the report to the attorney general not later than the
25 14th day after the date the attorney general makes a request to the
26 agency for the report.

27 (d) In awarding compensation under this article for ~~[real~~

1 ~~property~~] damage caused by a trespasser described by Subsection
2 (a)(1), the attorney general may not consider the outcome of any
3 criminal prosecution arising out of:

4 (1) the offense under Chapter 28, Penal Code, as a
5 result of which the applicant suffered ~~property~~] damage; or

6 (2) the applicable offense listed in Article
7 56C.001(2)(A).

8 SECTION 4. Article 56C.006(a), Code of Criminal Procedure,
9 is amended to read as follows:

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

13 SECTION 5. Sections 552.132(a), (b), (c), and (d),
14 Government Code, are amended to read as follows:

15 (a) Except as provided by Subsection (d), in this section,
16 "crime victim or claimant" means:

17 (1) a victim or claimant under Chapter 56B, Code of
18 Criminal Procedure, who has filed an application for compensation
19 under that chapter; or

20 (2) a person who has filed an application for
21 compensation under Chapter 56C, Code of Criminal Procedure.

22 (b) The following information held by ~~[the crime victim's~~
23 ~~compensation division of]~~ the attorney general's office in
24 connection with an application for compensation under Chapter 56B
25 or 56C, Code of Criminal Procedure, is confidential:

26 (1) the name, social security number, address, or
27 telephone number of a crime victim or claimant; or

1 (2) any other information the disclosure of which
2 would identify or tend to identify the crime victim or claimant.

3 (c) If the crime victim or claimant is awarded compensation
4 under Article 56B.103, ~~[or]~~ 56B.104, or 56C.003, Code of Criminal
5 Procedure, as of the date of the award of compensation, the name of
6 the crime victim or claimant and the amount of compensation awarded
7 to that crime victim or claimant are public information and are not
8 excepted from the requirements of Section 552.021.

9 (d) An employee of a governmental body who is also a victim
10 under Chapter 56B, Code of Criminal Procedure, or has suffered
11 property damage for which the employee is eligible for compensation
12 under Chapter 56C of that code, regardless of whether the employee
13 has filed an application for compensation under the applicable
14 ~~[that]~~ chapter, may elect whether to allow public access to
15 information held by the attorney general's office or other
16 governmental body that would identify or tend to identify the
17 employee ~~[victim]~~, including a photograph or other visual
18 representation of the employee ~~[victim]~~. An election under this
19 subsection must be made in writing on a form developed by the
20 governmental body, be signed by the employee, and be filed with the
21 governmental body before the third anniversary of the latest to
22 occur of one of the following:

23 (1) the date the crime was committed or the property
24 damage occurred, as applicable;

25 (2) the date employment begins; or

26 (3) the date the governmental body develops the form
27 and provides it to employees.

1 SECTION 6. Section 2251.052, Insurance Code, is amended by
2 adding Subsection (a-1) to read as follows:

3 (a-1) In setting rates, an insurer may not consider whether
4 a claim has been made by or on behalf of a policyholder in relation
5 to an event documented by a report described by Article 56C.003(c),
6 Code of Criminal Procedure.

7 SECTION 7. Article 56C.007, Code of Criminal Procedure, is
8 repealed.

9 SECTION 8. Chapter 56C, Code of Criminal Procedure, as
10 amended by this Act, applies only to compensation for damages
11 incurred in connection with conduct constituting an offense
12 occurring on or after the effective date of this Act. Compensation
13 for damages incurred in connection with conduct constituting an
14 offense occurring before the effective date of this Act is governed
15 by the law in effect on the date the conduct occurred, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, conduct constituting an offense occurred before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 9. Section 2251.052(a-1), Insurance Code, as added
21 by this Act, applies only to an insurance policy that is delivered,
22 issued for delivery, or renewed on or after January 1, 2026. A
23 policy delivered, issued for delivery, or renewed before January 1,
24 2026, is governed by the law as it existed immediately before the
25 effective date of this Act, and that law is continued in effect for
26 that purpose.

27 SECTION 10. This Act takes effect September 1, 2025.