

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:

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

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

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

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

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

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

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

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

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

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

27 (3) gifts, grants, and donations received by the state

1 for purposes of the program, including grants and reimbursements
2 received from the federal government; and

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

4 (b) The attorney general shall establish:

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

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

10 (3) ~~(2)~~ application procedures;

11 (4) ~~(3)~~ criteria for evaluating applications and
12 awarding compensation;

13 (5) ~~(4)~~ guidelines related to compensation amounts,
14 provided that the maximum amount awarded per incident causing
15 damage may not exceed \$75,000; and

16 (6) ~~(5)~~ procedures for monitoring the use of
17 compensation awarded under this article and ensuring compliance
18 with any conditions of the award.

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

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

1 connection with a border crime.

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

8 SECTION 5. 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 6. Article 59.06(t)(1), Code of Criminal Procedure,
14 is amended to read as follows:

15 (t)(1) This subsection applies only to contraband for which
16 forfeiture is authorized with respect to an offense under Section
17 [~~20.05, 20.06~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

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

20 (v) Notwithstanding any other provision of this article,
21 with respect to forfeited property seized in connection with an
22 offense under Section 20.05 or 20.06, Penal Code, in a proceeding
23 under Article 59.05 in which judgment is rendered in favor of the
24 state, the balance of the proceeds from the sale of forfeited
25 property under Subsection (a), after all required distributions
26 under Subsections (a)(1) and (2) and deductions under Subsection
27 (a)(3) are made, shall be transferred to the credit of an account in

1 the general revenue fund to be administered by the comptroller and
2 may be appropriated only to the attorney general for the purpose of
3 administering the border crime property damage compensation
4 program under Chapter 56C.

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

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

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

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

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

22 SECTION 10. The change in law made by this Act applies only
23 to compensation for damages incurred in connection with conduct
24 constituting an offense occurring on or after the effective date of
25 this Act. Compensation for damages incurred in connection with
26 conduct constituting an offense occurring before the effective date
27 of this Act is governed by the law in effect on the date the conduct

1 occurred, and the former law is continued in effect for that
2 purpose. For purposes of this section, conduct constituting an
3 offense occurred before the effective date of this Act if any
4 element of the offense occurred before that date.

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