

By: Capriglione

H.B. No. 3518

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the unauthorized entry, occupancy, sale, rental, lease,
3 advertisement for sale, rental, or lease, or conveyance of real
4 property, including the removal of certain unauthorized occupants
5 of a dwelling; creating criminal offenses; increasing a criminal
6 penalty; authorizing a fee.

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

8 SECTION 1. Section 28.03(b), Penal Code, is amended to read
9 as follows:

10 (b) Except as provided by Subsections (f) and (h), an
11 offense under this section is:

12 (1) a Class C misdemeanor if:

13 (A) the amount of pecuniary loss is less than
14 \$100; or

15 (B) except as provided in Subdivision (3)(A) or
16 (3)(B), it causes substantial inconvenience to others;

17 (2) a Class B misdemeanor if the amount of pecuniary
18 loss is \$100 or more but less than \$750;

19 (3) a Class A misdemeanor if:

20 (A) the amount of pecuniary loss is \$750 or more
21 but less than \$2,500; or

22 (B) the actor causes in whole or in part
23 impairment or interruption of any public water supply, or causes to
24 be diverted in whole, in part, or in any manner, including

1 installation or removal of any device for any such purpose, any
2 public water supply, regardless of the amount of the pecuniary
3 loss;

4 (4) a state jail felony if the amount of pecuniary loss
5 is:

6 (A) \$2,500 or more but less than \$30,000;

7 (B) except as provided in Subdivision (6)(B),
8 less than \$2,500, if the property damaged or destroyed is a
9 habitation and if the damage or destruction is caused by a firearm
10 or explosive weapon;

11 (C) less than \$2,500, if the property was a fence
12 used for the production or containment of:

13 (i) cattle, bison, horses, sheep, swine,
14 goats, exotic livestock, or exotic poultry; or

15 (ii) game animals as that term is defined by
16 Section 63.001, Parks and Wildlife Code;

17 (D) less than \$30,000 and the actor:

18 (i) causes wholly or partly impairment or
19 interruption of property used for flood control purposes or a dam or
20 of public communications, public transportation, public gas
21 supply, or other public service; or

22 (ii) causes to be diverted wholly, partly,
23 or in any manner, including installation or removal of any device
24 for any such purpose, any public communications or public gas
25 supply; or

26 (E) less than \$30,000, if the property is a motor
27 vehicle that is damaged, destroyed, or tampered with during the

1 removal or attempted removal of a catalytic converter from the
2 motor vehicle;

3 (5) a felony of the third degree if:

4 (A) the amount of the pecuniary loss is \$30,000
5 or more but less than \$150,000;

6 (B) the actor, by discharging a firearm or other
7 weapon or by any other means, causes the death of one or more head of
8 cattle or bison or one or more horses;

9 (C) the actor causes wholly or partly impairment
10 or interruption of access to an automated teller machine,
11 regardless of the amount of the pecuniary loss; or

12 (D) the amount of pecuniary loss is less than
13 \$150,000 and the actor:

14 (i) causes wholly or partly impairment or
15 interruption of property used for public power supply; or

16 (ii) causes to be diverted wholly, partly,
17 or in any manner, including installation or removal of any device
18 for any such purpose, any public power supply;

19 (6) a felony of the second degree if the amount of
20 pecuniary loss is:

21 (A) \$150,000 or more but less than \$300,000; or

22 (B) \$1,000 or more but less than \$300,000, if:

23 (i) the property damaged or destroyed is a
24 habitation; and

25 (ii) it is shown on the trial of the offense
26 that the actor committed the offense in the course of committing an
27 offense under Section 30.05; or

1 (7) a felony of the first degree if the amount of
2 pecuniary loss is \$300,000 or more.

3 SECTION 2. Subchapter D, Chapter 32, Penal Code, is amended
4 by adding Sections 32.56 and 32.57 to read as follows:

5 Sec. 32.56. FALSE, FRAUDULENT, OR FICTITIOUS DOCUMENT
6 CONVEYING REAL PROPERTY INTEREST. (a) A person commits an offense
7 if, with intent to enter or remain on real property, the person
8 knowingly presents to another person a false, fraudulent, or
9 fictitious document purporting to be a lease agreement, deed, or
10 other instrument conveying real property or an interest in real
11 property.

12 (b) An offense under this section is a Class A misdemeanor.

13 (c) If conduct that constitutes an offense under this
14 section also constitutes an offense under any other law, the actor
15 may be prosecuted under this section or the other law, but not both.

16 Sec. 32.57. FRAUDULENT SALE, RENTAL, OR LEASE OF
17 RESIDENTIAL REAL PROPERTY. (a) A person commits an offense if the
18 person knowingly:

19 (1) lists or advertises for sale, rent, or lease
20 residential real property while knowing that the person offering to
21 sell, rent, or lease the property does not have legal title or
22 authority to sell, rent, or lease the property; or

23 (2) sells, rents, or leases to another person
24 residential real property to which the person does not have legal
25 title or authority to sell, rent, or lease.

26 (b) An offense under Subsection (a)(1) is a Class A
27 misdemeanor. An offense under Subsection (a)(2) is a state jail

1 felony.

2 (c) If conduct that constitutes an offense under this
3 section also constitutes an offense under any other law, the actor
4 may be prosecuted under this section or the other law, but not both.

5 SECTION 3. Title 4, Property Code, is amended by adding
6 Chapter 24B to read as follows:

7 CHAPTER 24B. REMOVAL OF CERTAIN UNAUTHORIZED OCCUPANTS OF REAL
8 PROPERTY

9 Sec. 24B.001. RIGHT TO REQUEST REMOVAL OF UNAUTHORIZED
10 OCCUPANT OF DWELLING BY SHERIFF. Notwithstanding any other law, an
11 owner of residential real property or the owner's agent may request
12 that the sheriff of the county in which the property is located
13 remove a person who unlawfully entered and is occupying a dwelling
14 on the property without the owner's consent if:

15 (1) the property:

16 (A) was not open to the public when the person
17 entered the property; and

18 (B) is not the subject of pending litigation
19 between the owner and the person;

20 (2) the owner or the owner's agent has directed the
21 person to leave the property and the person has not done so; and

22 (3) the person is not:

23 (A) a current or former tenant of the owner under
24 an oral or written lease; or

25 (B) an immediate family member of the owner.

26 Sec. 24B.002. COMPLAINT TO REQUEST REMOVAL OF UNAUTHORIZED
27 OCCUPANT. (a) A property owner or the owner's agent may request

1 the removal of a person under Section 24B.001 by submitting to the
2 sheriff of the county in which the property is located a complaint
3 in substantially the following form that complies with Subsection
4 (b):

5 COMPLAINT TO REMOVE PERSON OCCUPYING DWELLING

6 WITHOUT OWNER'S CONSENT

7 I, _____ (name of complainant), declare under the penalty of
8 perjury that:

9 (Complete each item as applicable and initial each item.)

10 ___ 1. I am the owner of residential real property
11 located at _____ (property address) or the agent of the owner.

12 ___ 2. A person unlawfully entered and occupies a
13 dwelling on the property without the owner's consent.

14 ___ 3. The property was not open to the public when the
15 person entered the property.

16 ___ 4. The property is not the subject of pending
17 litigation between the owner and the person.

18 ___ 5. The owner or the owner's agent has directed the
19 person to leave the property and the person has not done so.

20 ___ 6. The person is not a current or former tenant of
21 the owner under an oral or written lease and any lease produced by
22 the person is fraudulent.

23 ___ 7. The person is not an owner or co-owner of the
24 property and any title to the property that lists the person as an
25 owner or co-owner is fraudulent.

26 ___ 8. The person is not an immediate family member of
27 the owner.

1 9. I understand that a person removed from the
2 property as a result of this complaint may bring an action against
3 me for any false statement made in the complaint or for wrongfully
4 submitting the complaint.

5 10. I understand that I may be held liable for
6 actual damages, exemplary damages, court costs, and reasonable
7 attorney's fees in an action described by Item 9.

8 11. I am requesting that the sheriff remove each
9 person occupying the dwelling without the owner's consent.

10 12. A copy of my valid government-issued
11 identification is attached and, if I am the owner's agent, a
12 document evidencing my authority to act on the property owner's
13 behalf is attached.

14 I HAVE READ EACH STATEMENT IN THIS COMPLAINT AND CONFIRM EACH
15 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT A STATEMENT MADE
16 IN THIS COMPLAINT IS MADE UNDER PENALTY OF PERJURY, PUNISHABLE
17 UNDER SECTION 37.02, PENAL CODE.

18 _____(signature of complainant)

19 (b) A complaint submitted under this section must be made
20 under oath or made as an unsworn declaration under Section 132.001,
21 Civil Practice and Remedies Code.

22 Sec. 24B.003. VERIFICATION OF COMPLAINT. (a) A sheriff who
23 receives a complaint under Section 24B.002 shall verify that the
24 complainant is:

25 (1) the record owner of the property that is the
26 subject of the complaint or the owner's agent; and

27 (2) otherwise entitled to the relief sought in the

1 complaint.

2 (b) During the verification of a complaint under Subsection
3 (a), the sheriff shall make contact with the person occupying the
4 dwelling and serve on the person in a manner described by Section
5 24B.004(b) written notice informing the person of the complaint and
6 the opportunity to submit an affidavit to the sheriff under
7 Subsection (c).

8 (c) Not later than the third day after the date that the
9 notice is received under Subsection (b), the person occupying the
10 dwelling may submit to the sheriff an affidavit asserting that the
11 complainant is not entitled to the relief sought in the complaint.

12 (d) If the person occupying the dwelling submits an
13 affidavit to the sheriff under Subsection (c), the sheriff shall
14 deliver the complaint and the affidavit to a justice court in the
15 precinct in which the real property is located. The complaint and
16 affidavit shall be filed with the justice court.

17 (e) An affidavit submitted under this section must be made
18 under oath or made as an unsworn declaration under Section 132.001,
19 Civil Practice and Remedies Code.

20 Sec. 24B.004. TRIAL. (a) On receipt of a complaint and
21 affidavit under Section 24B.003(d), the justice court shall hold a
22 nonjury trial to determine whether the complainant is entitled to
23 relief under this chapter.

24 (b) If the justice court determines that the complainant is
25 entitled to relief under this chapter, the court shall order the
26 sheriff to put the owner in possession of the dwelling in accordance
27 with Section 24B.005.

1 (c) In a proceeding under this section, a prevailing
2 complainant may recover from the person occupying the dwelling the
3 fair market rent for the dwelling for the duration of the person's
4 occupancy, court costs, and any other appropriate relief.

5 (d) A party may appeal the decision of the justice court to
6 the court of appeals having jurisdiction over civil matters in the
7 county in which the real property is located.

8 Sec. 24B.005. SERVICE OF NOTICE TO IMMEDIATELY VACATE. (a)
9 If the sheriff verifies the complaint under Section 24B.003 and the
10 occupant of the dwelling does not timely submit an affidavit under
11 that section, or if the justice court orders the sheriff to put the
12 owner in possession of the dwelling under Section 24B.004, the
13 sheriff shall without delay:

14 (1) serve notice to immediately vacate on the person
15 occupying the dwelling without the owner's consent; and

16 (2) put the owner in possession of the dwelling.

17 (b) Service of notice to immediately vacate may be
18 accomplished by:

19 (1) hand delivery to an occupant of the dwelling; or

20 (2) affixing the notice to the front door or entrance
21 of the dwelling.

22 (c) A sheriff serving notice to immediately vacate under
23 this section shall attempt to verify the identity of each person
24 occupying the dwelling and note each identity on the return of
25 service.

26 (d) A sheriff serving notice to immediately vacate under
27 this section may arrest any person found in the dwelling for an

1 outstanding warrant or for trespass or any other offense for which
2 probable cause exists.

3 (e) A sheriff who serves a notice to immediately vacate
4 under this section is entitled to receive from the complainant a fee
5 in an amount equal to the amount the sheriff would receive for
6 executing a writ of possession.

7 (f) After the service of notice to immediately vacate by the
8 sheriff under Subsection (a), the property owner or owner's agent
9 may request that the sheriff remain on the property to keep the
10 peace while the owner or owner's agent:

11 (1) changes any locks; and

12 (2) removes any personal property of an occupant from
13 the dwelling and places the personal property at or near the
14 property line of the owner's property.

15 (g) If a request described by Subsection (f) is made, the
16 sheriff may charge the person making the request a reasonable
17 hourly rate set by the sheriff for remaining on the property.

18 Sec. 24B.006. LIABILITY. (a) A sheriff is not liable to an
19 unauthorized occupant or any other person for loss or destruction
20 of or damage to property resulting from the removal of a person or
21 property under this chapter.

22 (b) Subject to Section 24B.007, a property owner or the
23 owner's agent is not liable to any person for loss or destruction of
24 or damage to personal property resulting from the removal of the
25 personal property from the owner's property under this chapter.

26 Sec. 24B.007. ACTION FOR WRONGFUL REMOVAL. (a) A person
27 who is wrongfully removed, or whose personal property is wrongfully

1 removed, from a dwelling or other real property under this chapter
2 may bring an action under this section to:

3 (1) recover possession of the real property; and
4 (2) recover from the person who requested the wrongful
5 removal:

6 (A) actual damages;
7 (B) exemplary damages equal to three times the
8 fair market rent of the dwelling;
9 (C) court costs; and
10 (D) reasonable attorney's fees.

11 (b) The court shall set an action brought under this section
12 for hearing at the earliest practicable date to expedite the
13 action.

14 Sec. 24B.008. NONEXCLUSIVITY. This chapter does not limit:

15 (1) the rights of a property owner; or
16 (2) the authority of a law enforcement officer to
17 arrest an unauthorized occupant of a dwelling for trespassing,
18 vandalism, theft, or another offense.

19 SECTION 4. Section 28.03, Penal Code, as amended by this
20 Act, applies only to an offense committed on or after the effective
21 date of this Act. An offense committed before the effective date of
22 this Act is governed by the law in effect on the date the offense was
23 committed, and the former law is continued in effect for that
24 purpose. For purposes of this section, an offense was committed
25 before the effective date of this Act if any element of the offense
26 occurred before that date.

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