

By: Hughes, et al.  
(Leach)

S.B. No. 1333

Substitute the following for S.B. No. 1333:

By: Button

C.S.S.B. No. 1333

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) a Class C misdemeanor if:

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

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

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

(3) a Class A misdemeanor if:

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

(B) the actor causes in whole or in part  
impairment or interruption of any public water supply, or causes to  
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

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

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

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

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

(c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

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

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

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

(b) An offense under this section is a felony of the first degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) It is an exception to the application of Subsection (a)(2) that the person participated in the transaction to sell, rent, or lease the property:

(1) as a lender, a title company, or a broker or agent licensed under Chapter 1101, Occupations Code, or an employee or agent of a lender, a title company, or a broker or agent licensed under Chapter 1101, Occupations Code; and

(2) did not know that another person involved in the transaction did not have legal title or authority to sell, rent, or lease the property.

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

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

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

(1) the property:

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

1                   (B) is not the subject of pending litigation  
2 between the owner and the person;

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

5                   (3) the person is not:

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

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

9           Sec. 24B.002. COMPLAINT TO REQUEST REMOVAL OF UNAUTHORIZED  
10 OCCUPANT. (a) A property owner or the owner's agent may request  
11 the removal of a person under Section 24B.001 by submitting to the  
12 sheriff or constable of the county in which the property is located  
13 a complaint in substantially the following form that complies with  
14 Subsection (b):

15                   COMPLAINT TO REMOVE PERSON OCCUPYING DWELLING

16                               WITHOUT OWNER'S CONSENT

17           I, \_\_\_\_\_ (name of complainant), declare under the penalty of  
18 perjury that:

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

20                   \_\_\_ 1. I am the owner of residential real property  
21 located at \_\_\_\_\_ (property address) or the agent of the owner.

22                   \_\_\_ 2. A person unlawfully entered and occupies a  
23 dwelling on the property without the owner's consent.

24                   \_\_\_ 3. The property was not open to the public when the  
25 person entered the property.

26                   \_\_\_ 4. The property is not the subject of pending  
27 litigation between the owner and the person.

1           5. The owner or the owner's agent has directed the  
2 person to leave the property and the person has not done so.

3           6. The person is not a current or former tenant of  
4 the owner under an oral or written lease and any lease produced by  
5 the person is fraudulent.

6           7. The person is not an owner or co-owner of the  
7 property and any title to the property that lists the person as an  
8 owner or co-owner is fraudulent.

9           8. The person is not an immediate family member of  
10 the owner.

11           9. I understand that a person removed from the  
12 property as a result of this complaint may bring an action against  
13 me for any false statement made in the complaint or for wrongfully  
14 submitting the complaint.

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

18           11. I am requesting that the sheriff or constable  
19 immediately remove each person occupying the dwelling without the  
20 owner's consent.

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

25           I HAVE READ EACH STATEMENT IN THIS COMPLAINT AND CONFIRM EACH  
26 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT A STATEMENT MADE  
27 IN THIS COMPLAINT IS MADE UNDER PENALTY OF PERJURY, PUNISHABLE

UNDER SECTION 37.02, PENAL CODE.

\_\_\_\_\_ (signature of complainant)

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

Sec. 24B.003. VERIFICATION OF COMPLAINT; SERVICE OF NOTICE TO IMMEDIATELY VACATE. (a) A sheriff or constable who receives a complaint under Section 24B.002 shall verify that the complainant is:

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

(2) otherwise entitled to the relief sought in the complaint.

(b) On verifying the complaint under Subsection (a), the sheriff or constable shall without delay:

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

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

(c) Service of notice to immediately vacate may be accomplished by:

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

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

(d) A sheriff or constable serving notice to immediately vacate under this section shall attempt to verify the identity of each person occupying the dwelling and note each identity on the return of service.



1       (e) A sheriff or constable serving notice to immediately  
2 vacate under this section may arrest any person found in the  
3 dwelling for an outstanding warrant or for trespass or any other  
4 offense for which probable cause exists.

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

9       (g) After the service of notice to immediately vacate by the  
10 sheriff or constable under Subsection (b), the property owner or  
11 owner's agent may request that the sheriff or constable remain on  
12 the property to keep the peace while the owner or owner's agent:

13               (1) changes any locks; and

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

17       (h) If a request described by Subsection (g) is made, the  
18 sheriff or constable may charge the person making the request a  
19 reasonable hourly rate set by the sheriff or constable for  
20 remaining on the property.

21       Sec. 24B.004. LIABILITY. (a) A sheriff or constable is not  
22 liable to an unauthorized occupant or any other person for loss or  
23 destruction of or damage to property resulting from the removal of a  
24 person or property under this chapter.

25       (b) Subject to Section 24B.005, a property owner or the  
26 owner's agent is not liable to any person for loss or destruction of  
27 or damage to personal property resulting from the removal of the

1 personal property from the owner's property under this chapter.

2 Sec. 24B.005. ACTION FOR WRONGFUL REMOVAL. (a) A person  
3 who is wrongfully removed, or whose personal property is wrongfully  
4 removed, from a dwelling or other real property under this chapter  
5 may bring an action under this section to:

6 (1) recover possession of the real property; and

7 (2) recover from the person who requested the wrongful  
8 removal:

9 (A) actual damages;

10 (B) exemplary damages equal to three times the  
11 fair market rent of the dwelling;

12 (C) court costs; and

13 (D) reasonable attorney's fees.

14 (b) The court shall set an action brought under this section  
15 for hearing at the earliest practicable date to expedite the  
16 action.

17 Sec. 24B.006. NONEXCLUSIVITY. This chapter does not limit:

18 (1) the rights of a property owner; or

19 (2) the authority of a law enforcement officer to  
20 arrest an unauthorized occupant of a dwelling for trespassing,  
21 vandalism, theft, or another offense.

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

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1 before the effective date of this Act if any element of the offense  
2 occurred before that date.

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