

By: Hall

S.B. No. 1995

A BILL TO BE ENTITLED

AN ACT

1
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.

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. Section 30.05(b)(2), Penal Code, is amended to
4 read as follows:

5 (2) "Notice" means:

6 (A) oral or written communication by the owner or
7 someone with apparent authority to act for the owner;

8 (B) fencing or other enclosure obviously
9 designed to exclude intruders or to contain livestock;

10 (C) a sign or signs posted on the property or at
11 the entrance to the building, reasonably likely to come to the
12 attention of intruders, indicating that entry is forbidden;

13 (D) the placement of identifying purple paint
14 marks on trees or posts on the property, provided that the marks
15 are:

16 (i) vertical lines of not less than eight
17 inches in length and not less than one inch in width;

18 (ii) placed so that the bottom of the mark
19 is not less than three feet from the ground or more than five feet
20 from the ground; and

21 (iii) placed at locations that are readily
22 visible to any person approaching the property and no more than:

23 (a) 100 feet apart on forest land; or

24 (b) 1,000 feet apart on land other
25 than forest land; [~~or~~]

26 (E) the visible presence on the property of a
27 crop grown for human consumption that is under cultivation, in the

1 process of being harvested, or marketable if harvested at the time
2 of entry; or

3 (F) oral or written communication by a sheriff or
4 constable while serving a notice to immediately vacate under
5 Section 24B.003, Property Code.

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

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

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

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

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

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

26 (2) sells, rents, or leases to another person
27 residential real property to which the person does not have legal

1 title or authority to sell, rent, or lease.

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

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

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

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

10 PROPERTY

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

18 (1) the property:

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

21 (B) is not the subject of pending litigation
22 between the owner and the person;

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

25 (3) the person is not:

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

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

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

8 COMPLAINT TO REMOVE PERSON OCCUPYING DWELLING

9 WITHOUT OWNER'S CONSENT

10 I, _____ (name of complainant), declare under the penalty of
11 perjury that:

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

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

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

17 ___ 3. The property was not open to the public when the
18 person entered the property.

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

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

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

26 ___ 7. The person is not an owner or co-owner of the
27 property and any title to the property that lists the person as an

1 owner or co-owner is fraudulent.

2 8. The person is not an immediate family member of
3 the owner.

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

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

11 11. I am requesting that the (sheriff) (constable)
12 immediately remove each person occupying the dwelling without the
13 owner's consent.

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

18 I HAVE READ EACH STATEMENT IN THIS COMPLAINT AND CONFIRM EACH
19 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT A STATEMENT
20 MADE IN THIS COMPLAINT IS MADE UNDER PENALTY OF PERJURY,
21 PUNISHABLE UNDER SECTION 37.02, PENAL CODE.

22 _____(signature of complainant)

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

26 (c) All information submitted as part of a complaint under
27 this section shall be presumed valid and accurate.

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

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

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

9 (b) During the verification of a complaint under Subsection
10 (a), the person occupying the dwelling has the burden to prove the
11 owner or the owner's agent is not entitled to the relief sought in
12 the complaint.

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

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

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

18 (d) Service of notice to immediately vacate may be
19 accomplished by:

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

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

23 (e) A sheriff or constable serving notice to immediately
24 vacate under this section shall:

25 (1) attempt to verify the identity of each person
26 occupying the dwelling and note each identity on the return of
27 service; and

1 (2) use all available resources to determine whether
2 each person occupying the dwelling is lawfully present in the
3 United States and report to appropriate federal authorities the
4 identity of any person not lawfully present.

5 (f) A sheriff or constable serving notice to immediately
6 vacate under this section may arrest any person found in the
7 dwelling for an outstanding warrant or for trespass or any other
8 offense for which probable cause exists.

9 (g) A sheriff or constable serving notice to immediately
10 vacate under this section shall inform each person vacating the
11 property that the person will be trespassing if the person returns
12 to the property after vacating.

13 (h) After the service of notice to immediately vacate by the
14 sheriff or constable under Subsection (c), the property owner or
15 owner's agent may request that the sheriff or constable remain on
16 the property to keep the peace while the owner or owner's agent:

17 (1) changes any locks; and

18 (2) removes any personal property of an occupant from
19 the dwelling and places the personal property at or near the
20 property line of the owner's 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 5. 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

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

3 SECTION 6. This Act takes effect July 1, 2025, if this Act
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary to take effect on
7 that date, this Act takes effect September 1, 2025.