

By: Blanco, et al.
(Guillen)

S.B. No. 2601

Substitute the following for S.B. No. 2601:

By: McQueeney

C.S.S.B. No. 2601

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) On request by the attorney general and not later than
21 the 14th business day after the date of the request, a law
22 enforcement agency that makes a written report described by
23 Subsection (c) shall release to the attorney general all reports,
24 including witness statements and criminal history record
25 information, to allow the attorney general to determine whether a
26 person qualifies for an award of compensation under this article
27 and the extent of the damage.

1 (c-2) The attorney general may not award compensation under
2 this article to a lessee for real property damage caused by a
3 trespasser described by Subsection (a)(1) unless the lessee
4 provides a notarized statement from the landowner authorizing the
5 lessee to directly receive compensation awarded under this article
6 for the damage.

7 (d) In awarding compensation under this article for [~~real~~
8 ~~property~~] damage caused by a trespasser described by Subsection
9 (a)(1), the attorney general may not consider the outcome of any
10 criminal prosecution arising out of:

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

13 (2) the applicable offense listed in Article
14 56C.001(2)(A).

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

17 (a) The program established under Article 56C.003 is a payer
18 of last resort for [~~real property~~] damage described by that
19 article.

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

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

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

27 (2) a person who has filed an application for

1 compensation under Chapter 56C, Code of Criminal Procedure.

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

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

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

10 (c) If the crime victim or claimant is awarded compensation
11 under Article 56B.103, ~~[or]~~ 56B.104, or 56C.003, Code of Criminal
12 Procedure, as of the date of the award of compensation, the name of
13 the crime victim or claimant and the amount of compensation awarded
14 to that crime victim or claimant are public information and are not
15 excepted from the requirements of Section 552.021.

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

1 governmental body before the third anniversary of the latest to
2 occur of one of the following:

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

5 (2) the date employment begins; or

6 (3) the date the governmental body develops the form
7 and provides it to employees.

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

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

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

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

27 SECTION 9. Section 2251.052(a-1), Insurance Code, as added

1 by this Act, applies only to an insurance policy that is delivered,
2 issued for delivery, or renewed on or after January 1, 2026. A
3 policy delivered, issued for delivery, or renewed before January 1,
4 2026, is governed by the law as it existed immediately before the
5 effective date of this Act, and that law is continued in effect for
6 that purpose.

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