

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 8, 2025

TO: Honorable Angie Chen Button, Chair, House Committee on Trade, Workforce & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1333 by Hughes (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.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of criminal trespass, criminal mischief, and fraudulent behaviors committed under the specific circumstances outlined in the bill. Creating new criminal offenses and expanding the conduct constituting an existing criminal offense may result in additional demands upon state and local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

The bill would expand conduct constituting the offense of second degree felony criminal mischief to include certain pecuniary loss resulting from damage or destruction of habitation occurring in the furtherance of the offense of criminal trespass.

The bill would create the Class A misdemeanor offense of false, fraudulent, or fictitious document conveying real property interest, committed when a person with intent to enter or remain on real property knowingly presents to another person certain documentation purporting to be an instrument conveying real property or an interest in real property.

The bill would create the first degree felony offense of fraudulent sale, rent, or lease of residential real property, committed when a person lists or advertises for sale, rent, or lease residential real property while knowing that the person offering to sell, rent, or lease the property lacks legal title or authority to do so; or in certain circumstances when a person sells, rents, or leases to another person residential real property which the person does not have legal title or authority to sell, rent, or lease.

The bill would establish provisions for the removal of certain unauthorized occupants of real property.

The bill would allow residential real property owners or their agents to request in certain circumstances that a sheriff or constable immediately remove a person who unlawfully occupies a dwelling on the property.

The bill would make provisions for the legally binding form submitted for such a request and would require a sheriff or constable in receipt of such a request to take certain steps to verify the complaint and to serve notice to immediately vacate the dwelling.

The bill would allow a sheriff or constable serving such a complaint to make arrests for outstanding warrants and for offenses when probable cause exists.

The bill would entitle such a sheriff or constable to receive a fee from the complainant for the verification and service of the complaint and, when requested by the property owner or the owner's agent to remain on site, would allow such a sheriff or constable to charge the requestor a reasonable hourly rate.

The bill would provide exception to liability for a sheriff, constable, property owner, or owner's agent for loss or destruction of or damage to personal property resulting from the removal of the personal property of certain unauthorized occupants of real property and would provide for legal action to be taken in the event of wrongful removal.

The bill provides clarification that the bill's provisions would not limit the rights of a property owner or the authority of a law enforcement officer to arrest an unauthorized occupant for other offenses.

The Office of Court Administration indicates that the fiscal impact is indeterminate. The Comptroller of Public Accounts indicates that the prosecution of more criminal cases could lead to an increase in state revenue due to court costs, but that the degree of increase is indeterminate.

Local Government Impact

While the fiscal impact cannot be determined, creating new criminal offenses and expanding the conduct constituting an existing criminal offense may result in increased demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. Any fees collected by sheriffs or constables as described in the bill would be retained locally.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, JPE, DGI, WP, AMr