

- SUBJECT:** Allowing a citation instead of arrest for certain criminal trespass offenses
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, Vasut
0 nays
2 absent — A. Johnson, Murr
- SENATE VOTE:** On final passage, April 19 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing.
- BACKGROUND:** Code of Criminal Procedure art. 14.06(c) allows a peace officer, under certain circumstances, to issue a citation to someone being charged with committing certain criminal offenses that are class A misdemeanors (up to one year in jail and/or a maximum fine of \$4,000) or class B misdemeanors (up to 180 days in jail and/or a maximum fine of \$2,000), rather than arrest the individual. The person being charged must reside in the county where the offense occurred, and the citation must contain notice of the time and place the person must appear before a magistrate and the offense charged. The authority to issue citations applies to eight specific offenses listed in Code of Criminal Procedure art. 14.06(d).
- Penal Code sec. 30.05 establishes the offense of criminal trespass. In general, offenses are class B misdemeanors, but they are class A misdemeanors if committed in or on certain types of property or if a deadly weapon is carried during the offense. Offenses are class C misdemeanors (maximum fine of \$500) under certain circumstances involving agricultural land and residential land near protected freshwater areas.
- DIGEST:** SB 237 would add criminal trespass punished as a class B misdemeanor to the list of offenses for which peace officers could issue a citation in lieu of an arrest under the Code of Criminal Procedure.

The bill would take effect September 1, 2021, and would apply to offenses committed on or after that date.

**SUPPORTERS
SAY:**

SB 237 would give peace officers another tool for handling low-level offenses by allowing them the option of issuing a citation for certain trespass offenses.

Having to make arrests in all such cases can be time consuming for officers and out of proportion to the seriousness of the offense. In some cases, officers might ignore a trespassing call due to the time it can take to arrest and book an individual. Allowing the option to issue a citation in appropriate trespass situations would be an effective and efficient way to encourage officers to respond to these calls and speed up the process of dealing with relatively minor offenses. Officers and courts would be able to use their resources for more serious matters. SB 237 would be in line with other offenses for which officers may issue citations.

SB 237 would make giving a citation instead of an arrest optional, and peace officers would retain the authority to make arrests in criminal trespass cases if warranted.

**CRITICS
SAY:**

No concerns identified.