

BILL ANALYSIS

Senate Research Center

H.B. 192
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Jurisprudence
5-1-97
Engrossed

DIGEST

Currently, under Section 30.05, Penal Code, trespass cases, including minor offenses, must be cited as Class B misdemeanors punishable by a fine not to exceed \$2,000, jail time not to exceed 180 days, or both. In rural areas, misdemeanor cases must be heard at the county court level. The county court must often invest much time and money into such cases, sometimes bringing the accused trespasser, often a tourist or traveler, from a distant location and assigning him or her a court-appointed attorney. Because of time and cost, many cases are dismissed, which concerns rural landowners because these trespassers can pose serious problems, sometimes leaving trash, destroying crops, or camping on private land. H.B. 192 makes criminal trespass offenses on agricultural lands a Class C misdemeanor offense punishable by a fine of up to \$500, in an effort to increase enforcement by allowing more trespass cases to be heard in lower courts.

PURPOSE

As proposed, H.B. 192 establishes the criminal offense of trespass on agricultural lands.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.05(b), Penal Code, by adding Subdivision (4), to define "agricultural land."

SECTION 2. Amends Section 30.05, Penal Code, by amending Subsection (d), and adding Subsection (e), to provide that an offense under Subsection (e) is a Class C misdemeanor unless it is committed in a habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. Establishes that a person commits an offense if without express consent or if without legal authority, whether in writing or other form, the person enters or remains on agricultural land of another; is on the agricultural land and within one hundred feet of the boundary of the land when apprehended; and had notice that the entry was forbidden or received notice to depart but failed to do so. Makes a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.