

BILL ANALYSIS

Senate Research Center
77R5289 GWK-F

S.B. 437
By: Staples
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, local police departments are without statutory authority to assist lodging properties with individuals who hold over and refuse to vacate a hotel room. As proposed, S.B. 437 makes such holdover activity a criminal offense once notice is given and the occupant continues to refuse to vacate the room.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Penal Code, by adding Section 30.051, as follows:

Sec. 30.051. CRIMINAL TRESPASS AT HOTEL. Defines “agreement,” “hotel,” “hotel staff,” and “notice.” Requires notice under this section to meet certain criteria and state certain language. Provides that a person commits an offense if the person commits certain actions or omissions. Provides that it is not a defense to prosecution under this section that the defendant purports to have an oral agreement, including an oral lease, concession, permit, right of access, license, or contract, to extend the checkout time. Provides that an offense under this section is a Class B misdemeanor.

SECTION 2. Amends Section 31.04, Penal Code, by amending Subsection (a) and adding subsection (g), to provide that a person commits theft of service if, with intent to avoid payment for service, that the person knows is provided only for compensation, while having control of a hotel room under an agreement to occupy the room for a period of less than 30 days, the person fails to provide full compensation for the period during which the person occupied the room, or agreed to occupy the room. Defines “hotel.”

SECTION 3. Effective date: September 1, 2001.