

BILL ANALYSIS

Senate Research Center
80R2884 BHD-D

S.B. 1097
By: Whitmire
Criminal Justice
3/26/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a criminal trespass violation is a Class B misdemeanor. However, this current classification does not provide for the most efficient usage of a law enforcement officer's time, as the processing of a Class B misdemeanor requires extensive paperwork, including the filing of charges with a local district attorney and the booking of a suspect into the county jail system, which can take over three hours. By contrast, a Class C misdemeanor may be processed in as little as 30 minutes.

As proposed, S.B. 1097 changes a first-time offense of criminal trespass from a Class B to a Class C misdemeanor.

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 Section 30.05(d), Penal Code, to change an offense under Subsection (a) (regarding entry into or onto property without consent of the owner) from a Class B to a Class C misdemeanor, except that it remains a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section (Criminal Trespass). Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.