

BILL ANALYSIS

Senate Research Center

S.B. 1417
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a landowner is liable for any damages that results from the acts or omissions of a peace officer.

In parts of the state where pursuits with local, state, and federal officers occur, an officer may enter or expose a property and an accident may occur as a result of that act or omission of a peace officer. Under current law, a landowner is held liable for any resulting incident based on those actions.

S.B. 1417 amends Section 75.006, Civil Practice and Remedies Code, to state that a landowner is not liable for any damages or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the landowner's property with or without the landowner's permission.

S.B.1417 also states that a landowner is not liable for damages or injury regardless of whether the damages or injury occur on the landowner's property.

As proposed, S.B. 1417 amends current law relating to the limitation of liability of certain landowners.

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 the heading to Section 75.006, Civil Practice and Remedies Code, to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION 2. Amends Section 75.006, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (c) [sic], as follows:

(a) Defines, in this section, "federal law enforcement officer." Makes nonsubstantive changes.

(c) Provides that a landowner is not liable for any damages or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when such officer enters or causes another person to enter the landowner's property with or without the landowner's permission. Provides that a landowner is not liable for such damages or injury regardless of whether the damages or injury occurs on the landowner's property.

(d) Provides that a landowner is not liable for any damages or injury to any person or property that arises from the actions of an individual who, because of the actions of a

peace officer or federal law enforcement officer, enters or causes another person to enter the landowner's property without the landowner's permission.

SECTION 3. Amends Section 75.002(a), Civil Practice and Remedies Code, as follows:

(a) Provides that an owner, lessee, or occupant of agricultural land or real property other than agricultural land:

(1) does not owe a duty of care to a trespasser on the property, rather than the land; and

(2) is not liable for any injury to a trespasser on the property, rather than the land, except for wilful or wanton acts or gross negligence by the owner, lessee, or other occupant of the property, rather than the agricultural land.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2011.