

BILL ANALYSIS

Senate Research Center
88R18886 JRR-F

C.S.S.B. 1133
By: Blanco et al.
Border Security
3/24/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Senate Committee on Border Security Interim Report to the 88th Legislature, increased migrant and law enforcement activity, particularly within border and rural counties, has left many landowners with record financial losses and property damage in the form of destroyed crops, fence damage, outhouses, farm equipment and lost livestock.

S.B. 1133 will establish a grant program under the Office of the Attorney General (OAG) to compensate landowners who suffered property damage on agricultural land by a trespasser in the course of smuggling of persons, bailouts, human trafficking, and drug trafficking.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1133 amends current law relating to a grant program to compensate landowners for property damage caused by certain criminal activities.

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 Title 1, Code of Criminal Procedure, by adding Chapter 56C, as follows:

CHAPTER 56C. GRANT PROGRAM FOR LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY CERTAIN CRIMINAL ACTIVITIES

Art. 56C.001. DEFINITIONS. Defines "agricultural land," "border crime," and "trespasser."

Art. 56C.002. GRANT PROGRAM. (a) Requires the attorney general, from money appropriated for the purpose, to establish and administer a grant program to compensate landowners who suffer property damage on agricultural land caused by a trespasser as a result of an offense under Chapter 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), Penal Code, that was committed in the course of or in furtherance of an offense under:

- (1) Subchapter D (Offenses and Penalties), Chapter 481, Health and Safety Code;
- (2) Section 20.05 (Smuggling of Persons) or 38.04 (Evading Arrest or Detention), Penal Code; or
- (3) Chapter 20A (Trafficking of Persons), Penal Code.

(b) Requires the attorney general to establish:

- (1) eligibility criteria for grant applicants;

- (2) grant application procedures;
- (3) criteria for evaluating grant applications and awarding grants;
- (4) guidelines related to grant amounts, provided that the maximum amount awarded per grant is prohibited from exceeding \$100,000; and
- (5) procedures for monitoring the use of a grant awarded under this article and ensuring compliance with any conditions of the grant.

(c) Requires that the eligibility criteria established under Subsection(b)(1) include a requirement that the applicant reported the property damage to an appropriate law enforcement agency promptly after discovering the damage.

(d) Provides that the attorney general, in awarding a grant under this article:

(1) is required to give priority to:

(A) applicants who suffered property damage as a result of an offense that was committed in the course of or in furtherance of a border crime; and

(B) applicants who suffered damage to structures, including fences, on the agricultural land; and

(2) is prohibited from considering the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered property damage or the applicable offense listed in Subsection (a)(1), (2), or (3).

Art. 56C.003. ANNUAL REPORT. Requires the attorney general, not later than the 100th day after the end of each state fiscal year, to submit to the governor and the legislature a report on the attorney general's activities under this chapter during the preceding fiscal year that includes the following information, disaggregated by each offense listed in Articles 56C.002(a)(1), (2), and (3):

(1) the number of grant applications made;

(2) the number of grants awarded; and

(3) the amount of grant money distributed.

Art. 56C.004. PAYER OF LAST RESORT. Provides that the grant program established under Article 56C.002 is a payer of last resort for property damage described by that article.

SECTION 2. Effective date: September 1, 2023.