

## **BILL ANALYSIS**

Senate Research Center

H.B. 436  
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Criminal Justice  
4/26/1999  
Engrossed

### **DIGEST**

Currently, a minor criminal trespass is a Class B misdemeanor under Section 30.05, Penal Code. In rural counties, however, a minor trespass may consist of a sightseer trespassing to view or pick wild flowers. Classifying criminal trespassing on agricultural land as a Class C misdemeanor may make case disposition swifter and less expensive. H.B. 436 would create a Class C misdemeanor for an offense of trespass on agricultural lands.

### **PURPOSE**

As proposed, H.B. 436 creates a Class C misdemeanor for an 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 (5), to redefine “agricultural land.”

SECTION 2. Amends Section 30.05, Penal Code, by amending Subsection (d) and adding Subsection (e), to establish that a person who does not have express consent or legal authority to enter or remain on the agricultural land of another, who is on the agricultural land and within 100 feet of the boundary when apprehended, and had notice that the entry was forbidden or received notice to depart but did not depart, commits a Class C misdemeanor, unless the offense occurs in a habitation or shelter center, or unless the actor carries a deadly weapon on or about the actor’s person during the offense, in which case the offense is a Class A misdemeanor. Makes conforming and nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.