

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

For expiration of this chapter, see Article 56C.007.

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

Art. 56C.001. DEFINITIONS. In this chapter:

(1) "Agricultural land" includes any land the use of which qualifies the land for appraisal based on agricultural use as defined under Subchapter D, Chapter 23, Tax Code.

(2) "Border crime" means conduct:

(A) constituting an offense under:

(i) Subchapter D, Chapter 481, Health and Safety Code;

(ii) Section 20.05 or 38.04, Penal Code; or

(iii) Chapter 20A, Penal Code; and

(B) involving transnational criminal activity.

(3) "Trespasser" has the meaning assigned by Section 75.007, Civil Practice and Remedies Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. 1133), Sec. 1, eff. September 1, 2023.

Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney general shall adopt rules to administer this chapter.

(b) Subchapters A and B, Chapter 2001, Government Code, except Sections 2001.004(3) and 2001.005, apply to the attorney general.

(c) The attorney general may delegate to a person in the attorney general's office a power or duty given to the attorney general under this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. 1133), Sec. 1, eff. September 1, 2023.

Art. 56C.003. LANDOWNER COMPENSATION PROGRAM. (a) From money appropriated for the purpose, the attorney general shall establish and administer a program to compensate landowners who suffer real property damage on agricultural land caused by:

(1) a trespasser as a result of an offense under Chapter 28, Penal Code, that was committed in the course of or in furtherance of a border crime; or

(2) a law enforcement response to a trespasser who was engaged in a border crime.

(b) The attorney general shall establish:

(1) eligibility criteria for compensation under this article, including requirements for providing proof of eligibility for compensation;

(2) application procedures;

(3) criteria for evaluating applications and awarding compensation;

(4) guidelines related to compensation amounts, provided that the maximum amount awarded per incident causing damage may not exceed \$75,000; and

(5) procedures for monitoring the use of compensation awarded under this article and ensuring compliance with any conditions of the award.

(c) The attorney general may not award compensation under this article for real property damage caused by a trespasser described by Subsection (a)(1) unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime.

(d) In awarding compensation under this article for real property damage caused by a trespasser described by Subsection (a)(1), the attorney general may not consider 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 Article 56C.001(2)(A).
Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. 1133), Sec. 1, eff. September 1, 2023.

Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES.

(a) The attorney general shall determine whether a hearing on an application for compensation under this chapter is necessary.

(b) On determining that a hearing is not necessary, the attorney general may approve the application.

(c) On determining that a hearing is necessary or on request for a hearing by the applicant, the attorney general shall consider the application at a hearing at a time and place of the attorney general's choosing. The attorney general shall notify all interested persons not later than the 10th day before the date of the hearing.

(d) At the hearing the attorney general shall:

(1) review the application for compensation; and

(2) receive other evidence that the attorney general finds necessary or desirable to evaluate the application properly.

(e) The attorney general may appoint hearing officers to conduct hearings or prehearing conferences under this chapter.

(f) A hearing or prehearing conference is open to the public unless the hearing officer or attorney general determines in a particular case that all or part of the hearing or conference should be held in private because a private hearing or conference is in the interest of the applicant.

(g) Subchapters C through H, Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions.

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. 1133), Sec. 1, eff. September 1, 2023.

Art. 56C.005. ANNUAL REPORT. Not later than the 100th day after the end of each state fiscal year, the attorney general shall 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 Article 56C.001(2)(A):

(1) the number of applications made;

(2) the number of applicants receiving compensation;

and

(3) the amount of compensation awarded.

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. 1133), Sec. 1, eff. September 1, 2023.

Art. 56C.006. PAYER OF LAST RESORT. (a) The program

established under Article [56C.003](#) is a payer of last resort for real property damage described by that article.

(b) The attorney general may not award compensation to an applicant under Article [56C.003](#) if the attorney general determines that the applicant:

(1) is eligible for reimbursement from another source, including under an insurance contract or a state, local, or federal program; and

(2) failed to seek reimbursement from the source described by Subdivision (1).

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. [1133](#)), Sec. 1, eff. September 1, 2023.

Art. 56C.007. EXPIRATION OF CHAPTER. This chapter expires on the second anniversary of the date that all money appropriated for the program established under this chapter has been expended.

Added by Acts 2023, 88th Leg., R.S., Ch. 350 (S.B. [1133](#)), Sec. 1, eff. September 1, 2023.