

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE
OF LOCAL GOVERNMENT

CHAPTER 364. ENFORCEMENT OF PUBLIC CAMPING BANS

Sec. 364.001. DEFINITIONS. In this chapter:

(1) "Local entity" means:

(A) the governing body of a municipality or county;

(B) an officer or employee of or a division, department, or other body that is part of a municipality or county, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(C) a district attorney or criminal district attorney.

(2) "Policy" includes a formal, written rule, ordinance, order, or policy and an informal, unwritten policy.

(3) "Public camping ban" means a law, rule, ordinance, order, or other regulation that prohibits camping in a public place, including Section 48.05, Penal Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 677 (H.B. 1925), Sec. 3, eff. September 1, 2021.

Sec. 364.002. POLICY ON CAMPING BANS. (a) A local entity may not adopt or enforce a policy under which the entity prohibits or discourages the enforcement of any public camping ban.

(b) In compliance with Subsection (a), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban.

(c) This section does not prohibit a policy that encourages diversion or a provision of services in lieu of citation or arrest.

Added by Acts 2021, 87th Leg., R.S., Ch. 677 (H.B. 1925), Sec. 3, eff. September 1, 2021.

Sec. 364.003. INJUNCTIVE RELIEF. (a) The attorney general

may bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of Section 364.002.

(b) The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Added by Acts 2021, 87th Leg., R.S., Ch. 677 (H.B. 1925), Sec. 3, eff. September 1, 2021.

Sec. 364.004. DENIAL OF STATE GRANT FUNDS. (a) A local entity may not receive state grant funds, and state grant funds for the local entity shall be denied, for the state fiscal year following the year in which a final judicial determination in an action brought under Section 364.003 is made that the entity has intentionally violated Section 364.002.

(b) The comptroller shall adopt rules to implement this section uniformly among the state agencies from which state grant funds are distributed to a municipality or county.

(c) A local entity that has not violated Section 364.002 may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of that section.

Added by Acts 2021, 87th Leg., R.S., Ch. 677 (H.B. 1925), Sec. 3, eff. September 1, 2021.