

LEGISLATIVE BACKGROUND

- ◆ STPRA's and State Senator Juan "Chuy" Hinojosa's 2009 passage of S.B. 1153, limited liability per statute to a landowner whose livestock escape due to an act or omission of a firefighter or a peace officer.
- ◆ In 2011 STPRA led a successful effort to strengthen and broaden landowner protection as it was originally intended. In cooperation with our allies and the leadership of Sen. Hinojosa and Rep. J.M. Lozano, our bill was passed as an amendment to a larger trespassing liability protection bill, S.B. 1160.

STPRA REQUEST FOR ATTORNEY GENERAL'S OPINION

STPRA has questioned whether or not the new state protections limiting a landowner's "duty of care" for trespassers would apply to the Federal Border Patrol. A request yielded the following response from the Texas State Attorney General:

"We can generally advise you that under a set of facts in which there is no fault attributable to an owner, lessee, or occupant of land, a court is unlikely to impose liability on the owner, lessee, or occupant."

2014 TEXAS SUPREME COURT RULING RODRIGUEZ V. MESTEÑA

On June 27, 2014 the Texas Supreme Court reversed the Texas Fourth Court of Appeals ruling which had held that a landowner has a duty of reasonable care to illegal trespassers. The Court directly clarified the duty question referenced above for landowners, and applied the law to the context of illegal smuggling operations and trespassers. The Court was careful to recognize that the holding would not apply to individuals that engage in targeted acts towards trespassers or smugglers. But landowners who are acting in the normal course will no longer be subject to liability in Texas courts. STPRA along with allied organizations supported the defendants of this case through their filing of Amicus Briefs to the Texas Supreme Court.

FUTURE ACTION

STPRA strives to protect property owners from liability for actions and omissions of officials at all levels of government, and will continue to inform property owners of these protections and to help defend them in the event that court challenges arise.