



HOUSE REPUBLICAN STAFF ANALYSIS

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| Bill: House File 251 will sub SF 260 (Formerly HSB 35) Committee: Judiciary Floor Manager: Rep. Hinson Date: April 3, 2017 Staff: Amanda Wille (1-5230) | House Committee: PASSED on February 1 (18-1) House Floor: Senate Floor: PASSED on March 6 (48-1) Governor: |
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Trespassing

- HF 251 relates to the liability of a land owner when a person trespasses on their land.
- The bill ensures a landowner or holder of an easement has no duty of care to a trespasser.
- This bill does not change common law.

Section by Section Analysis

Section 1 – Liability of Possessors and Occupants of Land to Trespassers

A possessor of any fee, reversionary, or easement interest in real property, including owners, lessees or other lawful occupants, owe no duty of care to a trespasser.

This section does not impact the common law doctrine of attractive nuisance, which imposes a duty on a landowner to protect children from dangerous conditions or from items that will attract children on to the property.

This section does not create or increase the civil liability of any land owner and does not affect immunities or defenses to civil liability established by other code sections or in common law.

Amendment Analysis