



KEN PAXTON  
ATTORNEY GENERAL *of* TEXAS

# Landowner Compensation Program (LCP)



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# Background & Purpose

## **Senate Bill No. 1133 of the 88<sup>th</sup> Legislative Regular Session**

Created Texas Code of Criminal Procedure, Chapter 56C – Landowner Compensation For Property Damage Caused By Certain Criminal Activities.

The Program's purpose is to compensate landowners for damage to real property on agricultural land due to a trespasser in connection with a border crime.

# Background & Purpose

- Signed into law by Governor Abbott on June 2, 2023.
- This Act became effective September 1, 2023.
- Expires on the second anniversary of the date all money was appropriated for the program.
- This program is administered out of the General Revenue Fund.

# Implementation

Program development timeline:

- **October 2023**

- LCP website created
- LCP Email created

- **February 2024**

- Administrative Rule published for comment

# Implementation

- **May 2024**
  - Effective date of Texas Administrative Code, Title 1, Part 3, Chapter 65
  - Online application portal went live
  - First online application received
- **June 2024**
  - First payment was issued



# Definitions

**Agricultural Land** - any land the use of which qualifies the land for appraisal based on agriculture use as defined in the Tex. Code Crim. Proc., art. 56C.001(1).

**Agricultural Use** - includes the following activities: cultivating the soil, producing crops for human food, animal feed, or planting seed or for the production of fibers; raising or keeping livestock; raising or keeping exotic animals for the production of human food or of fiber, leather, pelts, or other tangible products having a commercial value; planting cover crops or leaving land idle for the purpose of participating in a governmental program or livestock rotation procedure. *See* Tex. Tax Code § 23.51(2).

# Definitions

**Border Crime** - Conduct constituting an offense under:

- (i) Subchapter D, Chapter 481, Health and Safety Code (controlled substances);
- (ii) Section 20.05 (smuggling of persons) or 38.04, Penal Code (evading arrest or detention);
- (iii) Chapter 20A, Penal Code (trafficking of persons); and involving transnational criminal activity.

Tex. Code Crim. Proc., art. 56C.001(2).

**Transnational** - Extending or operating across national boundaries.

# Definitions

**Collateral source** – financial compensation for real property damage under a state, local, or federal funding program, or an insurance contract and may include property insurance; state funding; local funding; federal funding; or foreign consulate payment. *See* 1 Tex. Admin. Code § 65.2(7).

**Improvement** - a building, structure, fixture, or fence erected on or affixed to land; or a transportable structure that is designed to be occupied for residential or business purposes, whether or not it is affixed to land, if the owner of the structure owns the land on which it is located. Tex. Prop. Code § 28.001(3).

**Landowner** – an individual or business that owns land in the State of Texas. *See* 1 Tex. Admin. Code § 65.2(9).



# Definitions

**Law enforcement agency** – a governmental organization that employs commissioned peace officers as defined Tex. Code Crim. Proc., art. 2.12, and shall include special rangers appointed pursuant to Tex. Code Crim. Proc., art. 2.125. See 1 Tex. Admin. Code § 65.2(10)

**Real Property** – land, an improvement, a mine or quarry, a mineral in place, standing timber, or an estate or interest. Tex. Tax Code § 1.04(2)

This does not include crops, farm equipment, or livestock.

**Trespasser** - A person who enters the land of another without any legal right, express, or implied. Tex. Civ. Prac. & Rem. Code § 75.007.

# Application

- One application per incident needs to be submitted, per landowner.
- A Landowner Compensation Program (LCP) application can be submitted via the OAG online website.
- All program communication is to be via electronic means, including but not limited to the following:
  - Requesting offense/incident reports
  - Requesting documentation or information
  - Denial notices
  - Approval notices

# Application

Who can submit an LCP application?

- Landowner of an agricultural land or authorized agent, including the following:
  - Individual
  - Business
  - Trustee

The online application is available in English and Spanish.

# Program Eligibility

What determines eligibility for compensation?

1) Landowner of agricultural land

2) Real property damage:

- Fence
- Barn
- Silo
- Water pipeline
- Transportable structure designed to be occupied for residential or business purpose if owned by landowner

3) Incident needs to be documented by law enforcement agency.



# Program Eligibility

## 4) Crimes:

- Trespasser
  - Arson
  - Criminal mischief
  - Reckless damage or destruction
  - Graffiti
- Border Crime
  - Transnational

AND

- Controlled substance violation
  - Smuggling of persons
  - Evading arrest or detention
  - Trafficking of persons
- Occurred after August 31, 2023

# Programmatic Requirements

According to Tex. Code Crim. Proc., art. 56C.003(c), the OAG **may not** award compensation unless:

- Unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime
- Is eligible for reimbursement from another source
- Failed to seek reimbursement from that source first

# Programmatic Requirements

The application should include all supporting documentation, such as:

- Photo(s) of property damage
- Insurance declaration page(s)
- Insurance approval or denial letter
- Itemized receipts or invoices of cost for damage repair
- Authorized Agent documentation



# Program Compensation

Maximum Award Amount – According to Tex. Code Crim. Proc., art. 56C.003(b)(4)

- No more than \$75,000 shall be awarded for a single incident

LCP uses the following to determine compensation amounts:

- Receipt(s) provided by claimant
- Estimate(s) provided by claimant
- Fair Market Value – Price Breakdown available online



# Collateral Source

According to Tex. Code Crim. Proc., art. 56C.006 this program is the payer of last resort for real property damage.

According to Tex. Code Crim. Proc., art. 56C.006(b) the OAG **may not** award compensation if the landowner:

- Is eligible for reimbursement from another source, including under an insurance contract or a state, local, or federal program
- Failed to seek reimbursement from that source



# Collateral Source

Types of collateral sources that may be available to the claimant:

- Farm insurance contract
- Ranch insurance contract
- Property insurance contract
- Auto insurance contract
- Damages from lawsuit(s)
- Settlement award(s)
- State program
- Local program
- Federal program

# Requirements for written reports

When landowners report real property damage to seek compensation, a written report by a law enforcement agency is required.

Incident report(s) need to include the following information:

- The property damage that occurred due to the incident
- If the incident is due to a border crime
- The type of border crime
- Investigative findings
- Specific date of damage

# More information

OAG has updated the LCP website by adding the following:

- Law Enforcement Agencies (LEA) Tab
- FAQ section
- LEA checklist

<https://www.texasattorneygeneral.gov/crime-victims/landowner-compensation-program/program-info-law-enforcement>

# Kahoot!

Website to web-based learning platform.

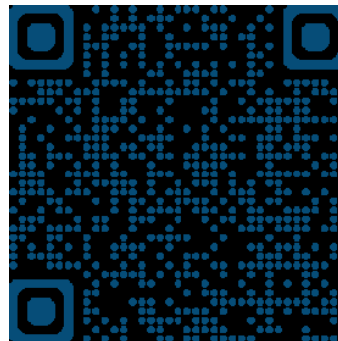
<https://kahoot.com/>

Let's have some fun now!

# Web Application

- Online application requires the claimant to fill out the required fields.
- Application is in English and Spanish
- Mobile-friendly

**Scan the QR code with your smartphone's camera to be taken to the website.**





**Thank you!**

Visit the Landowner Compensation Program website at:

<https://www.texasattorneygeneral.gov/crime-victims/landowner-compensation-program>

Still have questions, email us at: [landowner.compensation@oag.texas.gov](mailto:landowner.compensation@oag.texas.gov)