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OPINION COMMITTEE



RYAN GUILLEN

TEXAS STATE REPRESENTATIVE

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I.D. # 47277

RQ-1127-GA

May 17, 2013

Office of the Attorney General
Attention Opinion Committee
P.O. Box 12548
Austin, Texas 78711

General Abbott:

In the 82nd Legislative Session, Senate Bill 1160 was enacted to strengthen statutory provisions protecting agricultural property owners, lessees and occupants from liability due to errors and omissions of law enforcement and public safety officials.

Current law (Section 143.034 Agriculture Code), court cases and Attorney Generals' opinions also appear to protect property owners from penalties for allowing livestock to roam at large unless they are liable for a breach of duty in constructing and maintaining barriers for roaming livestock.

The purpose of this letter is to request a determination if existing law protects landowners, lessees and occupants from liability in the context of human smuggling and the law enforcement actions surrounding those activities. Moreover, I request a determination if landowners, lessees and occupants are protected from liability when livestock escape due to external actions over which they have no control, such as trespassing, firefighting activities, game warden activities, poaching and vandalism.

I have enclosed additional information on SB 1160 for your review. If you have any questions, feel free to contact our office at 512-463-0416. Thank you for your time.

Yours In Public Service,


Ryan Guillen