



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 25, 2013

The Honorable Ryan Guillen
Chair, Committee on Culture,
Recreation & Tourism
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. GA-1027

Re: Whether landowners may be liable for the actions of law enforcement officers that occur on the landowners' property or for livestock that escape due to actions over which the landowners have no control (RQ-1127-GA)

Dear Representative Guillen:

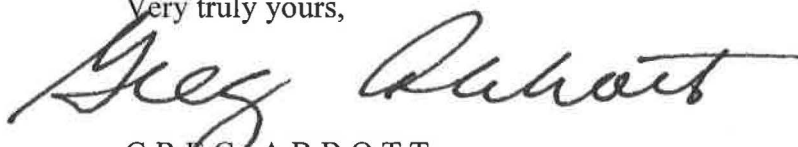
You ask whether existing law protects landowners, lessees and occupants of agricultural land from liability in different circumstances.¹ Specifically, you ask about liability in the context of human smuggling and law enforcement actions surrounding those activities. Request Letter at 1. You also ask about liability for the escape of livestock due to “external actions over which the [landowners, lessees, and occupants] have no control, such as trespassing, firefighting activities, game warden activities, poaching and vandalism.” *Id.* at 1. The question of liability in particular circumstances involves issues for a court to determine and is thus outside the purview of an attorney general opinion. *See* Tex. Att’y Gen. Op. No. GA-0430 (2006) at 4 (declining to opine about potential liability “[b]ecause the merits of any particular lawsuit would be determined by the specific facts involved and because this office does not resolve fact questions”). 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. *Cf. Goode v. Bauer*, 109 S.W.3d 788, 792 (Tex. App.—Corpus Christi 2003, pet. denied) (“liability for a violation of the stock laws has always required more than the presence of the defendant’s animals in a forbidden place”). As a result, we are unable to answer your questions as a matter of law.

¹*See* Letter from Honorable Ryan Guillen, Chair, Comm. on Culture, Rec. & Tourism, to Honorable Greg Abbott, Tex. Att’y Gen. at 1 (May 17, 2013), <http://www.texasattorneygeneral.gov/opin> (“Request Letter”).

S U M M A R Y

Whether any particular set of circumstances will result in liability is a fact question beyond the purview of an attorney general opinion.

Very truly yours,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

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