

By: Spiller

H.B. No. 674

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of certain criminal
3 offenses committed in the course of or for the purpose of avoiding
4 certain law enforcement checkpoints or evading an arrest or
5 detention; increasing criminal penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 3.03(d)(1), Penal Code, is amended to
8 read as follows:

9 (d)(1) This subsection applies only to a single criminal
10 action in which the accused is found guilty of:

11 (A) an offense under Section 20.05(a)(2) or an
12 offense under Section 20.06 involving conduct constituting an
13 offense under Section 20.05(a)(2); and

14 (B) an offense punishable under Section
15 22.01(b-4)(1), 28.10(1) [~~22.01(b-4), 28.10~~], 30.02(c-2),
16 30.04(d)(3)(B)(i), 30.05(d)(4)(A) [~~30.04(d)(3)(B), 30.05(d)(4)~~],
17 or 38.04(b-1) that arises out of the same criminal episode as the
18 offense described by Paragraph (A).

19 SECTION 2. Section 20.05, Penal Code, is amended by adding
20 Subsection (b-3) to read as follows:

21 (b-3) For purposes of Subsection (a)(1)(A), the actor is
22 presumed to have acted knowingly and with the intent to conceal the
23 individual being transported from a peace officer or special
24 investigator if in the course of committing the offense the actor

1 intentionally avoided a federal or state law enforcement
2 checkpoint.

3 SECTION 3. Section 22.01(b-4), Penal Code, is amended to
4 read as follows:

5 (b-4) Notwithstanding Subsection (b), an offense under
6 Subsection (a)(1) is a felony of the third degree if it is shown on
7 the trial of the offense that the actor:

8 (1) committed the offense in the course of committing
9 an offense under Section 20.05(a)(2); or

10 (2) committed the offense in the course of or for the
11 purpose of intentionally avoiding a federal or state law
12 enforcement checkpoint.

13 SECTION 4. Section 28.10, Penal Code, is amended to read as
14 follows:

15 Sec. 28.10. ENHANCED PENALTY FOR CERTAIN MISDEMEANORS OR
16 STATE JAIL FELONIES. The punishment for an offense under this
17 chapter that is punishable as a misdemeanor or a state jail felony
18 is increased to the punishment for a felony of the third degree if
19 it is shown on the trial of the offense that the actor:

20 (1) committed the offense in the course of committing
21 an offense under Section 20.05(a)(2); or

22 (2) committed the offense in the course of or for the
23 purpose of:

24 (A) intentionally avoiding a federal or state law
25 enforcement checkpoint; or

26 (B) engaging in conduct constituting an offense
27 under Section 38.04.

1 SECTION 5. Section 30.02, Penal Code, is amended by
2 amending Subsection (c) and adding Subsection (c-3) to read as
3 follows:

4 (c) Except as provided in Subsection (c-1), (c-2), (c-3), or
5 (d), an offense under this section is a:

6 (1) state jail felony if committed in a building other
7 than a habitation; or

8 (2) felony of the second degree if committed in a
9 habitation.

10 (c-3) An offense under this section is a felony of the third
11 degree if:

12 (1) the premises are a building other than a
13 habitation; and

14 (2) it is shown on the trial of the offense that the
15 actor committed the offense in the course of or for the purpose of
16 intentionally avoiding a federal or state law enforcement
17 checkpoint.

18 SECTION 6. Section 30.04(d), Penal Code, is amended to read
19 as follows:

20 (d) An offense under this section is a Class A misdemeanor,
21 except that:

22 (1) the offense is a Class A misdemeanor with a minimum
23 term of confinement of six months if it is shown on the trial of the
24 offense that the defendant has been previously convicted of an
25 offense under this section;

26 (2) the offense is a state jail felony if:

27 (A) it is shown on the trial of the offense that

1 the defendant has been previously convicted two or more times of an
2 offense under this section; or

3 (B) the vehicle or part of the vehicle broken
4 into or entered is a rail car; and

5 (3) the offense is a felony of the third degree if:

6 (A) the vehicle broken into or entered is owned
7 or operated by a wholesale distributor of prescription drugs and
8 the actor breaks into or enters that vehicle with the intent to
9 commit theft of a controlled substance; or

10 (B) it is shown on the trial of the offense that
11 the actor:

12 (i) committed the offense in the course of
13 committing an offense under Section 20.05(a)(2); or

14 (ii) committed the offense in the course of
15 or for the purpose of intentionally avoiding a federal or state law
16 enforcement checkpoint.

17 SECTION 7. Section 30.05(d), Penal Code, is amended to read
18 as follows:

19 (d) Subject to Subsection (d-3), an offense under this
20 section is:

21 (1) a Class B misdemeanor, except as provided by
22 Subdivisions (2), (3), and (4);

23 (2) a Class C misdemeanor, except as provided by
24 Subdivisions (3) and (4), if the offense is committed:

25 (A) on agricultural land and within 100 feet of
26 the boundary of the land; or

27 (B) on residential land and within 100 feet of a

1 protected freshwater area;

2 (3) a Class A misdemeanor, except as provided by
3 Subdivision (4), if:

4 (A) the offense is committed:

5 (i) in a habitation or a shelter center;

6 (ii) on a Superfund site; or

7 (iii) on or in a critical infrastructure
8 facility;

9 (B) the offense is committed on or in property of
10 an institution of higher education and it is shown on the trial of
11 the offense that the person has previously been convicted of:

12 (i) an offense under this section relating
13 to entering or remaining on or in property of an institution of
14 higher education; or

15 (ii) an offense under Section 51.204(b)(1),
16 Education Code, relating to trespassing on the grounds of an
17 institution of higher education;

18 (C) the person carries a deadly weapon during the
19 commission of the offense; or

20 (D) the offense is committed on the property of
21 or within a general residential operation operating as a
22 residential treatment center; and

23 (4) a felony of the third degree if it is shown on the
24 trial of the offense that the defendant:

25 (A) committed the offense in the course of
26 committing an offense under Section 20.05(a)(2); or

27 (B) committed the offense in the course of or for

1 the purpose of intentionally avoiding a federal or state law
2 enforcement checkpoint.

3 SECTION 8. The changes in law made by this Act apply only to
4 an offense committed on or after the effective date of this Act. An
5 offense committed before the effective date of this Act is governed
6 by the law in effect on the date the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense was committed before that
10 date.

11 SECTION 9. This Act takes effect July 1, 2025, if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for effect on that
15 date, this Act takes effect September 1, 2025.