

BILL ANALYSIS

H.B. 42
By: Chisum
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently the offense of escape or unauthorized absence must be prosecuted in the county in which the offense was committed (Chapter 13, Code of Criminal Procedure, Article 13.18). This means that if a prisoner escapes from a jail in one county and returns to another county in which the prisoner committed the crime for which he or she was jailed, the prisoner must be returned to the county from which he or she escaped (at a potentially great expense) to be prosecuted. This bill will allow an escaped prisoner to be prosecuted either in the county in which the offense (escape) was committed or in the county in which the prisoner committed the crime for which he or she was jailed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1.

An offense of escape under Section 38.06, Penal Code, or unauthorized absence allows the county in which the offense of escape or the county in which the defendant committed the offense for which the defendant was placed in custody, detained, or required to submit to treatment to prosecute the individual.

SECTION 2.

This Act applies only to an offense committed on or after the effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2003.