

BILL ANALYSIS

H.B. 2104
By: Delisi
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides for an offense if a person hinders the arrest of another by harboring or providing aid to the other who has committed an offense. A recent situation on Texas occurred where someone helped a probation violator avoid arrest, but probation violation is not an offense and no prosecution could be brought against the individual who provided aid in avoiding arrest. Current law also permits hindering the arrest of a juvenile offender for a misdemeanor. This bill closes these loopholes and allows for prosecution of a person who assists someone under the authority of a warrant or capias.

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

This bill amends Section 38 of the Penal Code to state that a person commits an offense if, with the intent to hinder the arrest of another under the authority of a warrant or capias, he harbors or aids the other. The change in this act applies only to offenses committed on or after the effective date of this act.

EFFECTIVE DATE

September 1, 2005.