

By: Menendez

H.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for individuals who evade arrest after committing the offense of murder.

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

SECTION 1. Section 19.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Except as provided by Subsections [~~Subsection~~] (d) and (e), an offense under this section is a felony of the first degree.

(e) The minimum term of imprisonment otherwise imposed on conviction of a felony of the first degree under this section is increased by five years for each 12-month period after the date on which the offense is committed until the date on which the defendant is arrested for the commission of the offense. Any term of imprisonment imposed on a defendant as a result of an enhancement in the defendant's punishment under this subsection runs cumulatively to any other term of imprisonment imposed on the defendant on a conviction under this section. An enhancement in the defendant's punishment under this subsection is mandatory and may not be waived as part of a plea bargain for the defendant.

SECTION 2. Section 508.145, Government Code, is amended by adding Subsection (g) to read as follows:

(g) An inmate serving a sentence for an offense for which the punishment is increased under Section 19.02(e), Penal Code, is

1 not eligible for release on parole until the inmate's actual  
2 calendar time served equals the minimum time required under  
3 Subsection (d) plus the period for which punishment is increased  
4 under Section 19.02(e), Penal Code.

5 SECTION 3. Section 497.099, Government Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c)(1) Not later than February 1 of each year, the  
8 department shall determine the costs incurred by the department  
9 that are attributable to increased sentences under Section  
10 19.02(e), Penal Code, and Section 508.145.

11 (2) The board by rule shall modify agricultural,  
12 industrial, or work programs established under this chapter to  
13 recover costs described by Subdivision (1).

14 SECTION 4. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 covered by the law in effect when the offense was committed, and the  
18 former law is continued in effect for that purpose. For purposes of  
19 this section, an offense was committed before the effective date of  
20 this Act if any element of the offense was committed before that  
21 date.

22 SECTION 5. This Act takes effect September 1, 2005.