

By: Delisi

H.B. No. 2104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of hindering
3 apprehension or prosecution.

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

5 SECTION 1. Section 38.05(a), Penal Code, is amended to read
6 as follows:

7 (a) A person commits an offense if, with intent to hinder
8 the arrest, prosecution, conviction, or punishment of another for
9 an offense or, with intent to hinder the arrest, detention,
10 adjudication, or disposition of a child for engaging in delinquent
11 conduct that violates a penal law of the state, or with intent to
12 hinder the arrest of another under the authority of a warrant or
13 capias [~~grade of felony~~], he:

14 (1) harbors or conceals the other;

15 (2) provides or aids in providing the other with any
16 means of avoiding arrest or effecting escape; or

17 (3) warns the other of impending discovery or
18 apprehension.

19 SECTION 2. Section 38.05, Penal Code, is amended by adding
20 Subsection (a-1) to read as follows:

21 (a-1) It is an affirmative defense to prosecution under
22 Subsection (a)(2) that:

23 (1) the person has contacted an appropriate law
24 enforcement official to make arrangements to bring the suspect to

1 the official or to a designated law enforcement agency;

2 (2) the person and the law enforcement official have
3 agreed to the time and the manner in which the person is to bring the
4 suspect to the official or designated agency; and

5 (3) the person's actions after contacting the law
6 enforcement official indicate that the person is complying with the
7 terms of the agreement described by Subdivision (2).

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense is committed before the effective date of
14 this Act if any element of the offense occurs before the effective
15 date.

16 SECTION 4. This Act takes effect September 1, 2005.