

1-1 By: Delisi (Senate Sponsor - Nelson) H.B. No. 2104  
1-2 (In the Senate - Received from the House April 7, 2005;  
1-3 April 11, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 19, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 19, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2104 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the prosecution of the offense of hindering  
1-11 apprehension or prosecution.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 38.05(a), Penal Code, is amended to read  
1-14 as follows:

1-15 (a) A person commits an offense if, with intent to hinder  
1-16 the arrest, prosecution, conviction, or punishment of another for  
1-17 an offense or, with intent to hinder the arrest, detention,  
1-18 adjudication, or disposition of a child for engaging in delinquent  
1-19 conduct that violates a penal law of the state, or with intent to  
1-20 hinder the arrest of another under the authority of a warrant or  
1-21 capias [grade of felony], he:

1-22 (1) harbors or conceals the other;

1-23 (2) provides or aids in providing the other with any  
1-24 means of avoiding arrest or effecting escape; or

1-25 (3) warns the other of impending discovery or  
1-26 apprehension.

1-27 SECTION 2. The change in law made by this Act applies only  
1-28 to an offense committed on or after the effective date of this Act.  
1-29 An offense committed before the effective date of this Act is  
1-30 covered by the law in effect when the offense was committed, and the  
1-31 former law is continued in effect for that purpose. For purposes of  
1-32 this section, an offense is committed before the effective date of  
1-33 this Act if any element of the offense occurs before the effective  
1-34 date.

1-35 SECTION 3. This Act takes effect September 1, 2005.

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