

By: Patrick, Dan

S.B. No. 1329

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the criminal penalty for evading arrest by using a  
3 vehicle.

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

5 SECTION 1. Section 38.04(b), Penal Code, is amended to read  
6 as follows:

7 (b) An offense under this section is a Class B misdemeanor,  
8 except that the offense is:

9 (1) ~~[a state jail felony if the actor uses a vehicle~~  
10 ~~while the actor is in flight and the actor has not been previously~~  
11 ~~convicted under this section;~~

12 [~~2~~] a felony of the third degree if:

13 (A) the actor uses a vehicle while the actor is in  
14 flight ~~[and the actor has been previously convicted under this~~  
15 ~~section]; or~~

16 (B) another suffers serious bodily injury as a  
17 direct result of an attempt by the officer from whom the actor is  
18 fleeing to apprehend the actor while the actor is in flight; or

19 (2) [~~3~~] a felony of the second degree if:

20 (A) the actor uses a vehicle while the actor is in  
21 flight and the actor has been previously convicted under this  
22 section; or

23 (B) another suffers death as a direct result of  
24 an attempt by the officer from whom the actor is fleeing to

1 apprehend the actor while the actor is in flight.

2 SECTION 2. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 covered by the law in effect when the offense was committed, and the  
6 former law is continued in effect for that purpose. For purposes of  
7 this section, an offense was committed before the effective date of  
8 this Act if any element of the offense was committed before that  
9 date.

10 SECTION 3. This Act takes effect September 1, 2007.