

By: Hunter, Fletcher, Miklos, Moody,
Menendez, et al.

H.B. No. 2873

Substitute the following for H.B. No. 2873:

By: Pierson

C.S.H.B. No. 2873

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment prescribed for the offense of evading
3 arrest or detention.

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

5 SECTION 1. This Act may be cited as the Amy Lynn Donovan
6 Act.

7 SECTION 2. Section 38.04(b), Penal Code, is amended to read
8 as follows:

9 (b) An offense under this section is a Class A [~~B~~]
10 misdemeanor, except that the offense is:

11 (1) a state jail felony if:

12 (A) the actor has been previously convicted under
13 this section; or

14 (B) the actor uses a vehicle while the actor is in
15 flight and the actor has not been previously convicted under this
16 section;

17 (2) a felony of the third degree if:

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

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

24 (3) a felony of the second degree if another suffers

1 death as a direct result of an attempt by the officer from whom the
2 actor is fleeing to apprehend the actor while the actor is in
3 flight.

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

12 SECTION 4. This Act takes effect September 1, 2009.