

By: Patrick, Lucio
Whitmire

S.B. No. 1176

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) a state jail felony if:

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

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

(2) a felony of the third degree if:

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

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

(3) a felony of the second degree if another suffers
death as a direct result of an attempt by the officer from whom the
actor is fleeing to apprehend the actor while the actor is in

1 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, 2009.

COMMITTEE AMENDMENT NO. 1

Amend SB 1176 as follows:

Strike all below the enacting clause and replace with the following:

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

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

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

(1) a state jail felony if:

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

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

(2) a felony of the third degree if:

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

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

(3) a felony of the second degree if another suffers death as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight.

