

1-1 By: Patrick, Lucio S.B. No. 1176  
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 May 4, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 4, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1176 By: Patrick

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

1-10 relating to the punishment prescribed for the offense of evading  
1-11 arrest or detention.

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

1-13 SECTION 1. Subsection (b), Section 38.04, Penal Code, is  
1-14 amended to read as follows:

1-15 (b) An offense under this section is a Class A [~~B~~]  
1-16 misdemeanor, except that the offense is:

1-17 (1) a state jail felony if:

1-18 (A) the actor has been previously convicted under  
1-19 this section; or

1-20 (B) the actor uses a vehicle while the actor is in  
1-21 flight and the actor has not been previously convicted under this  
1-22 section;

1-23 (2) a felony of the third degree if:

1-24 (A) the actor uses a vehicle while the actor is in  
1-25 flight and the actor has been previously convicted under this  
1-26 section; or

1-27 (B) another suffers serious bodily injury as a  
1-28 direct result of an attempt by the officer from whom the actor is  
1-29 fleeing to apprehend the actor while the actor is in flight; or

1-30 (3) a felony of the second degree if another suffers  
1-31 death as a direct result of an attempt by the officer from whom the  
1-32 actor is fleeing to apprehend the actor while the actor is in  
1-33 flight.

1-34 SECTION 2. The change in law made by this Act applies only  
1-35 to an offense committed on or after the effective date of this Act.  
1-36 An offense committed before the effective date of this Act is  
1-37 covered by the law in effect when the offense was committed, and the  
1-38 former law is continued in effect for that purpose. For purposes of  
1-39 this section, an offense was committed before the effective date of  
1-40 this Act if any element of the offense was committed before that  
1-41 date.

1-42 SECTION 3. This Act takes effect September 1, 2009.

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