

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 16, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1176** by Patrick, Dan (Relating to the punishment prescribed for the offense of evading arrest or detention. ), **Committee Report 2nd House, As Amended**

The probable impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the number of times evading arrest or detention is committed by an actor with a prior conviction of evading arrest or detention.

The bill would amend the Penal Code by enhancing the punishment for the offense of evading arrest or detention currently punishable as a Class B misdemeanor to a Class A misdemeanor. The bill would also make the offense of evading arrest or detention punishable as a state jail felony if the actor has been previously convicted for the offense.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

In fiscal year 2008, approximately 1,100 offenders were placed on misdemeanor community supervision and approximately 1,400 offenders were placed on felony community supervision for evading arrest or detention. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding the number of times an actor has previously been convicted of the offense of evading arrest or detention; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

The bill, in certain instances, would increase the punishment for the offense of evading arrest or detention from a Class B misdemeanor to a Class A misdemeanor. A Class B Misdemeanor is punishable by confinement in a county jail for any term of not more than 180 days, or, in addition to confinement, a fine not to exceed \$2,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year, a fine not to exceed \$4,000, or both fine and imprisonment. The bill could result in increased time in county jails or in increased fines imposed on offenders depending on the application of the bill.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, DB, ESi, GG, TMP, TP