

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 24, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**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 and to creating the offense of evading felony arrest or detention.), **As Introduced**

The probable impact of implementing the provision of this 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 or the number of times an actor evades arrest or detention for a felony offense.

The bill would amend the Penal Code to make evading arrest or detention punishable as a state jail felony if the actor has a prior conviction for evading arrest or detention. The bill creates the offense of evading felony arrest or detention punishable as a felony of the third degree or felony of the second degree depending on the circumstances.

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 evading arrest or detention is committed by an actor with a prior conviction of evading arrest or detention or the number of times an actor evades arrest or detention for a felony offense; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

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

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