

BILL ANALYSIS

H.B. 341
By: Fletcher
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A criminal suspect fleeing police officers often tries door handles to find an open structure in which to hide, particularly in an apartment complex. Under current law relating to the offense of criminal trespass, the entry of a suspect into a building without effective consent is a Class B misdemeanor and, if the building is a habitation, is a Class A misdemeanor. A fleeing suspect has a tactical advantage over pursuing police officers because the suspect can quickly hide and ambush the officers. Entry into a habitation or building by a suspect magnifies that risk to pursuing officers because the officers must enter and methodically search the building. In addition, the general public is at tremendous risk when a suspect enters a home in an effort to elude police officers. The additional risks placed on police officers and the public by an evading suspect justifies a felony charge and the appropriate punishment. H.B. 341 classifies evading arrest or detention by entering a building not open to the public or without consent of the owner as a burglary resulting in a state jail felony, if the act is committed in a building other than a habitation, or as a burglary resulting in a felony of the second degree if the act is committed in a habitation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 341 amends the Penal Code to expand the conditions that constitute the offense of burglary to include entering a habitation or a building or any portion of a building not then open to the public with the intent to evade arrest or detention, remaining concealed in a building or habitation with intent to evade arrest or detention, or entering a building or habitation while evading or attempting to evade arrest or detention if any of those actions are performed without the effective consent of the owner. The bill expands the circumstances under which the penalty for burglary is enhanced to a felony of the first degree to include entering a habitation with intent to commit a felony other than evasion of arrest or detention or committing or attempting to commit a felony other than evasion of arrest or detention.

EFFECTIVE DATE

September 1, 2011.