

BILL ANALYSIS

Senate Research Center

S.B. 844
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 38.06 (Escape), Penal Code, provides that a person commits an offense if the person escapes from custody when the person is under arrest for, charged with, or convicted of an offense. Peace officers have the authority to "lawfully detain" individuals based on reasonable suspicion that the person has committed an offense. However, if the person who is lawfully detained escapes, there is no provision to charge that person with escape. S.B. 844 would amend Sections 38.06(a) and (c), Penal Code, to provide that a person commits an offense if the person escapes from custody after being lawfully detained.

S.B. 844 amends current law relating to the offense of escape from custody by a person lawfully detained.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 38.06(a) and (c), Penal Code, as follows:

(a) Provides that a person commits an offense if the person escapes from custody when the person is:

(1) under arrest for, lawfully detained for, charged with, or convicted of an offense; or

(2)-(4) Makes no changes to these subdivisions.

(c) Provides that an offense under this section is a felony of the third degree if the actor:

(1) Makes no changes to this subdivision;

(2) is confined or lawfully detained in a secure correctional facility or law enforcement facility; or

(3) is committed to or lawfully detained in a secure correctional facility, as defined by Section 51.02 (Definitions), Family Code, other than a halfway house, operated by or under contract with the Texas Youth Commission.

Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.