

BILL ANALYSIS

C.S.S.B. 844
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is an offense to escape from custody when under arrest for, charged with, or convicted of an offense. A peace officer has the authority to lawfully detain a person based on reasonable suspicion that the person has committed an offense. However, if the person who is lawfully detained escapes, there is little legal basis for charging that person with an offense of escape from custody. C.S.S.B. 844 remedies this situation by making it an offense to escape from custody when lawfully detained.

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

C.S.S.B. 844 amends the Penal Code to expand the conditions that constitute the Class A misdemeanor offense of escape from custody to include escaping from custody when lawfully detained for an offense. The bill makes a conforming change in a provision of law enhancing the penalty for the offense to a third degree felony and specifies that the enhancement applies to an actor confined or lawfully detained in a law enforcement facility, in addition to a secure correctional facility.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 844 differs from the original by specifying that the penalty enhancement provisions for the offense of escape from custody apply to an actor confined or lawfully detained in a law enforcement facility, whereas the original makes no such specification.