

By: Hunter

H.B. No. 696

A BILL TO BE ENTITLED

AN ACT

relating to the offense of escape from custody by a person lawfully detained.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 38.06(a) and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person [~~he~~] escapes from custody when the person [~~he~~] is:

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

(2) in custody pursuant to a lawful order of a court;

(3) detained in a secure detention facility, as that term is defined by Section 51.02, Family Code; or

(4) in the custody of a juvenile probation officer for violating an order imposed by the juvenile court under Section 52.01, Family Code.

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

(1) is under arrest for, lawfully detained for, charged with, or convicted of a felony;

(2) is confined in a secure correctional facility; or

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

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense was committed before that
8 date.

9 SECTION 3. This Act takes effect September 1, 2011.