

By: Fraser  
(Hilderbran, Gallego, Fletcher, Rodriguez)

S.B. No. 496

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of evading arrest or  
detention.

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

SECTION 1. Subsections (b) and (c), Section 38.04, Penal  
Code, are amended to read as follows:

(b) An offense under this section is a Class A misdemeanor,  
except that the offense is:

(1) a state jail felony if:

(A) the actor has been previously convicted under  
this section; or

(B) the actor uses a vehicle or watercraft while  
the actor is in flight and the actor has not been previously  
convicted under this section;

(2) a felony of the third degree if:

(A) the actor uses a vehicle or watercraft while  
the actor is in flight and the actor has been previously convicted  
under this section; or

(B) another suffers serious bodily injury as a  
direct result of an attempt by the officer from whom the actor is  
fleeing to apprehend the actor while the actor is in flight; or

(3) a felony of the second degree if another suffers  
death as a direct result of an attempt by the officer from whom the  
actor is fleeing to apprehend the actor while the actor is in

1 flight.

2 (c) In this section:

3 (1) "Vehicle" [~~,"vehicle"~~] has the meaning assigned by  
4 Section 541.201, Transportation Code.

5 (2) "Watercraft" has the meaning assigned by Section  
6 49.01.

7 SECTION 2. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 covered by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

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