

1-1 By: Fraser S.B. No. 496  
1-2 (In the Senate - Filed February 1, 2011; February 14, 2011,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 7, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 7, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the punishment for the offense of evading arrest or  
1-9 detention.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (b) and (c), Section 38.04, Penal  
1-12 Code, are amended to read as follows:

1-13 (b) An offense under this section is a Class A misdemeanor,  
1-14 except that the offense is:

1-15 (1) a state jail felony if:

1-16 (A) the actor has been previously convicted under  
1-17 this section; or

1-18 (B) the actor uses a vehicle or watercraft while  
1-19 the actor is in flight and the actor has not been previously  
1-20 convicted under this section;

1-21 (2) a felony of the third degree if:

1-22 (A) the actor uses a vehicle or watercraft while  
1-23 the actor is in flight and the actor has been previously convicted  
1-24 under this section; or

1-25 (B) another suffers serious bodily injury as a  
1-26 direct result of an attempt by the officer from whom the actor is  
1-27 fleeing to apprehend the actor while the actor is in flight; or

1-28 (3) a felony of the second degree if another suffers  
1-29 death as a direct result of an attempt by the officer from whom the  
1-30 actor is fleeing to apprehend the actor while the actor is in  
1-31 flight.

1-32 (c) In this section:

1-33 (1) "Vehicle" [~~,"vehicle"~~] has the meaning assigned by  
1-34 Section 541.201, Transportation Code.

1-35 (2) "Watercraft" has the meaning assigned by Section  
1-36 49.01.

1-37 SECTION 2. The change in law made by this Act applies only  
1-38 to an offense committed on or after the effective date of this Act.  
1-39 An offense committed before the effective date of this Act is  
1-40 covered by the law in effect on the date the offense was committed,  
1-41 and the former law is continued in effect for that purpose. For  
1-42 purposes of this section, an offense was committed before the  
1-43 effective date of this Act if any element of the offense occurred  
1-44 before that date.

1-45 SECTION 3. This Act takes effect September 1, 2011.

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