

By: Patrick

S.B. No. 844

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the offense of escape from custody by a person lawfully
3 detained.

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

5 SECTION 1. Subsections (a) and (c), Section 38.06, Penal
6 Code, are amended to read as follows:

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

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

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

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

14 (4) in the custody of a juvenile probation officer for
15 violating an order imposed by the juvenile court under Section
16 52.01, Family Code.

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

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

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

22 (3) is committed to a secure correctional facility, as
23 defined by Section 51.02, Family Code, other than a halfway house,
24 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.