

By: Patrick S.B. No. 844
(Hunter, Gallego, Christian, Rodriguez, Zedler, et al.)

Substitute the following for S.B. No. 844:

By: Gallego C.S.S.B. No. 844

A BILL TO BE ENTITLED

AN ACT

1
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. Sections 38.06(a) and (c), Penal Code, are
6 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, charged with, or convicted of
20 a felony;

21 (2) is confined or lawfully detained in a secure
22 correctional facility or law enforcement facility; or

23 (3) is committed to or lawfully detained in a secure
24 correctional facility, as defined by Section 51.02, Family Code,

1 other than a halfway house, operated by or under contract with the
2 Texas Youth Commission.

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

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