

1-1 By: Patrick S.B. No. 844  
1-2 (In the Senate - Filed February 22, 2011; March 1, 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 6,  
1-5 Nays 1; April 7, 2011, sent to printer.)

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

1-8 relating to the offense of escape from custody by a person lawfully  
1-9 detained.

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

1-11 SECTION 1. Subsections (a) and (c), Section 38.06, Penal  
1-12 Code, are amended to read as follows:

1-13 (a) A person commits an offense if the person [~~he~~] escapes  
1-14 from custody when the person [~~he~~] is:

1-15 (1) under arrest for, lawfully detained for, charged  
1-16 with, or convicted of an offense;

1-17 (2) in custody pursuant to a lawful order of a court;

1-18 (3) detained in a secure detention facility, as that  
1-19 term is defined by Section 51.02, Family Code; or

1-20 (4) in the custody of a juvenile probation officer for  
1-21 violating an order imposed by the juvenile court under Section  
1-22 52.01, Family Code.

1-23 (c) An offense under this section is a felony of the third  
1-24 degree if the actor:

1-25 (1) is under arrest for, lawfully detained for,  
1-26 charged with, or convicted of a felony;

1-27 (2) is confined in a secure correctional facility; or

1-28 (3) is committed to a secure correctional facility, as  
1-29 defined by Section 51.02, Family Code, other than a halfway house,  
1-30 operated by or under contract with the Texas Youth Commission.

1-31 SECTION 2. The change in law made by this Act applies only  
1-32 to an offense committed on or after the effective date of this Act.  
1-33 An offense committed before the effective date of this Act is  
1-34 covered by the law in effect when the offense was committed, and the  
1-35 former law is continued in effect for that purpose. For purposes of  
1-36 this section, an offense was committed before the effective date of  
1-37 this Act if any element of the offense was committed before that  
1-38 date.

1-39 SECTION 3. This Act takes effect September 1, 2011.

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