

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 19, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB864** by Fletcher (Relating to the punishment for the offense of evading arrest or detention.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Penal Code as it relates to the punishment for the offense of evading arrest. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, using a tire deflation device against an officer while evading arrest or detention would be third degree felony and causing serious bodily injury to another as a result of using a tire deflation device while evading arrest or detention would be a second degree felony. Using a vehicle to evade arrest or detention with no previous conviction for evading arrest or detention is currently a state jail felony and using a vehicle to evade arrest or detention with a previous conviction for evading arrest or detention is a third degree felony. Under the provisions of the bill, using a vehicle to evading arrest or detention would be a third degree felony with or without a previous conviction for evading arrest or detention.

The bill would take effect September 1, 2011 and apply only to an offense committed on or after that date.

Creating a penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. For this analysis, it is assumed the number of offenders convicted under these statutes would not result in a significant impact on the programs and workload of State and local correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, LM, ADM