

## **BILL ANALYSIS**

H.B. 73  
By: Fletcher  
Criminal Jurisprudence  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

There have been reports of criminal suspects fleeing law enforcement and trying to enter any nearby building or habitation to find a place in which to hide from pursuing police officers. Current law relating to criminal trespass makes entering or remaining in a building without the owner's effective consent a Class B misdemeanor offense and, if the building is a habitation, a Class A misdemeanor offense. Interested parties note that a fleeing suspect has a tactical advantage over pursuing officers because the suspect can quickly hide and ambush the officers and that a suspect's entry into a habitation or building magnifies that risk as the officers must enter after the suspect and methodically search the building. These parties assert that such circumstances involving a suspect entering a habitation put the general public at tremendous risk. In an effort to address these risks placed on law enforcement and the public, H.B. 73 seeks to provide more appropriate punishment for this crime.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 73 amends the Penal Code to expand the conditions that constitute the offense of burglary to include entering a habitation or a building or any portion of a building not then open to the public with the intent to evade arrest or detention, remaining concealed in a building or habitation with such intent, or entering a building or habitation while evading or attempting to evade arrest or detention if any of those actions are performed without the effective consent of the owner. The bill excludes from the conditions under which the penalty for burglary is enhanced to a first degree felony entering a habitation to evade arrest or detention or with intent to evade arrest or detention.

### **EFFECTIVE DATE**

September 1, 2013.

### **EXPLANATION OF AMENDMENTS**

#### **Committee Amendment No. 1**

Committee Amendment No. 1 removes the provision expanding the conditions that constitute the offense of burglary, and instead makes it a second degree felony burglary offense to, without the effective consent of the owner, enter a habitation with intent to evade arrest or detention, remain concealed in a habitation with intent to evade arrest or detention, or enter a habitation while evading or attempting to evade arrest or detention.