

By: Fletcher, Harper-Brown, Lavender,
King of Parker, Herrero

H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and the punishment for the offense of
burglary committed while evading arrest or detention.

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

SECTION 1. Sections 30.02(a) and (d), Penal Code, are
amended to read as follows:

(a) A person commits an offense if, without the effective
consent of the owner, the person:

(1) enters a habitation, or a building (or any portion
of a building) not then open to the public, with intent to evade
arrest or detention or to commit a felony, theft, or an assault;
~~[or]~~

(2) remains concealed in a building or habitation~~[7]~~
with intent to evade arrest or detention or to commit a felony,
theft, or an assault~~[7, in a building or habitation]~~;

(3) enters a building or habitation while evading or
attempting to evade arrest or detention; or

(4) ~~[(3)]~~ enters a building or habitation and commits
or attempts to commit a felony, theft, or an assault.

(d) An offense under this section is a felony of the first
degree if:

(1) the premises are a habitation; and

(2) any party to the offense entered the habitation
with intent to commit a felony other than felony theft or evasion of

1 arrest or detention or committed or attempted to commit a felony
2 other than felony theft or evasion of arrest or detention.

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 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 3. This Act takes effect September 1, 2013.

COMMITTEE AMENDMENT NO. 1

Amend H.B. 73 (introduced version) by striking page 1, lines 5 through 19, and substituting the following:

SECTION 1. Section 30.02, Penal Code, is amended by adding Subsections (a-1) and (c-1) and amending Subsections (c) and (d) to read as follows:

(a-1) A person commits an offense if, without the effective consent of the owner, the person:

(1) enters a habitation with intent to evade arrest or detention;

(2) remains concealed in a habitation with intent to evade arrest or detention; or

(3) enters a habitation while evading or attempting to evade arrest or detention.

(c) Except as provided in Subsection (d), an offense under Subsection (a) ~~[this section]~~ is a:

(1) state jail felony if committed in a building other than a habitation; or

(2) felony of the second degree if committed in a habitation.

(c-1) Except as provided in Subsection (d), an offense under Subsection (a-1) is a felony of the second degree.

Hughes