

By: Kleinschmidt

H.B. No. 534

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for the offense of resisting arrest,
3 search, or transportation.

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

5 SECTION 1. Section 38.03, Penal Code, is amended by
6 amending Subsection (d) and adding Subsection (e) to read as
7 follows:

8 (d) An offense under this section is:

9 (1) a state jail felony if it is shown on the trial of
10 the offense that the defendant has been previously convicted of an
11 offense under this section; and

12 (2) a felony of the third degree if the defendant used
13 [~~actor uses~~] a deadly weapon to resist the arrest or search.

14 (e) For purposes of Subsection (d)(1), a defendant has been
15 previously convicted under this section if the defendant was
16 adjudged guilty of the offense or entered a plea of guilty or nolo
17 contendere in return for a grant of deferred adjudication,
18 regardless of whether the sentence for the offense was ever imposed
19 or whether the sentence was probated and the defendant was
20 subsequently discharged from community supervision.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

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