

By: Zedler

H.B. No. 1258

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the punishment for the offense of attempting to evade  
3 arrest or detention through the use of a vehicle.

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

5 SECTION 1. Article 42.08, Code of Criminal Procedure, is  
6 amended by amending Subsection (a) and adding Subsections (d) and  
7 (e) to read as follows:

8 (a) When the same defendant has been convicted in two or  
9 more cases, judgment and sentence shall be pronounced in each case  
10 in the same manner as if there had been but one conviction. Except  
11 as provided by Subsections [~~Sections~~] (b), ~~[and]~~ (c), and (d) of  
12 this article, in the discretion of the court, the judgment in the  
13 second and subsequent convictions may either be that the sentence  
14 imposed or suspended shall begin when the judgment and the sentence  
15 imposed or suspended in the preceding conviction has ceased to  
16 operate, or that the sentence imposed or suspended shall run  
17 concurrently with the other case or cases, and sentence and  
18 execution shall be accordingly; provided, however, that the  
19 cumulative total of suspended sentences in felony cases shall not  
20 exceed 10 years, and the cumulative total of suspended sentences in  
21 misdemeanor cases shall not exceed the maximum period of  
22 confinement in jail applicable to the misdemeanor offenses, though  
23 in no event more than three years, including extensions of periods  
24 of community supervision under Section 22, Article 42.12, of this

1 code, if none of the offenses are offenses under Chapter 49, Penal  
2 Code, or four years, including extensions, if any of the offenses  
3 are offenses under Chapter 49, Penal Code.

4 (d) The judge shall order the sentence for an offense under  
5 Section 38.04, Penal Code, to commence immediately on completion of  
6 any sentence imposed for the conduct for which the peace officer or  
7 federal special investigator was attempting to lawfully arrest or  
8 detain the defendant if it is shown on the trial of the offense  
9 under Section 38.04 that the defendant:

10 (1) used a vehicle while in flight to travel on a  
11 residential roadway, to travel through a residential neighborhood  
12 or school zone, or to travel through a construction or maintenance  
13 work zone while workers were present; or

14 (2) used a vehicle while in flight and:

15 (A) operated the vehicle at a speed of 30 miles  
16 per hour or more over the posted speed limit; or

17 (B) recklessly carried on or about the  
18 defendant's person a handgun in the vehicle.

19 (e) For purposes of Subsection (d), "vehicle" has the  
20 meaning assigned by Section 541.201, Transportation Code, and  
21 "construction or maintenance work zone" has the meaning assigned by  
22 Section 472.022, Transportation Code.

23 SECTION 2. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

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