

By: Carona

S.B. No. 616

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of and the punishment for the offense of
3 burglary committed while evading arrest or detention.

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

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

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

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

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

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

18 (4) [~~(3)~~] enters a building or habitation and commits
19 or attempts to commit a felony, theft, or an assault.

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

22 (1) the premises are a habitation; and

23 (2) any party to the offense entered the habitation
24 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.