

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 25, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2130** by Herrero (Relating to the offense of evading arrest.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code as it relates the punishment for evading arrest or detention. Under current law it is a third degree felony if a person uses a tire deflation device against an officer while evading arrest or detention. The bill makes it a third degree felony to use a tire deflation device against an officer or an investigator.

Under current law, it is a third degree felony if a person evades arrest or detention and as a result another person suffers serious bodily injury. It is a second degree felony if a person evades arrest or detention, uses a tire deflation device, and as result of this another person suffers serious bodily injury. The bill would delete the portion of the statute that makes it a second degree felony if a person uses a tire deflation device while evading arrest or detention and as a result of this another person suffers serious bodily injury. The result of this change is that a person using a tire deflation device while evading arrest or detention and as a result of this another person suffers serious bodily injury would be subject to a third degree felony.

The bill expands the definition of one part of the statute relating to evading arrest or detention and reduces the penalty for another part of this statute. Expanding the definition of any offense is expected to increase demands on state and/or county correctional agency resources while reducing the penalty for any offense is expected to decrease demands on state and/or county correctional agency resources due to shorter terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. In the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JPo