

By: Dutton

H.B. No. 2382

A BILL TO BE ENTITLED

AN ACT

relating to the classification of certain conduct by juveniles
constituting the offense of evading detention.

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

SECTION 1. Section 51.03(b), Family Code, is amended to
read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a
traffic offense, that violates:

(A) the penal laws of this state of the grade of
misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political
subdivision of this state;

(2) the voluntary absence of a child from the child's
home without the consent of the child's parent or guardian for a
substantial length of time or without intent to return;

(3) conduct prohibited by city ordinance or by state
law involving the inhalation of the fumes or vapors of paint and
other protective coatings or glue and other adhesives and the
volatile chemicals itemized in Section 485.001, Health and Safety
Code;

(4) an act that violates a school district's
previously communicated written standards of student conduct for
which the child has been expelled under Section 37.007(c),

1 Education Code;

2 (5) notwithstanding Subsection (a)(1), conduct
3 described by Section 43.02(a) or (b), Penal Code; ~~or~~

4 (6) notwithstanding Subsection (a)(1), conduct that
5 violates Section 43.261, Penal Code; or

6 (7) notwithstanding Subsection (a)(1), conduct
7 described by Section 38.04, Penal Code, that:

8 (A) is punishable as a Class A misdemeanor under
9 that section; and

10 (B) only consists of intentionally fleeing a
11 person the child knows is a peace officer or federal special
12 investigator attempting lawfully to detain the child.

13 SECTION 2. This Act applies only to conduct that occurs on
14 or after the effective date of this Act. Conduct that occurs before
15 the effective date of this Act is governed by the law in effect on
16 the date the conduct occurred, and the former law is continued in
17 effect for that purpose. For the purposes of this section, conduct
18 occurred before the effective date of this Act if any element of the
19 conduct occurred before that date.

20 SECTION 3. This Act takes effect September 1, 2019.