

By: Menéndez

S.B. No. 2404

A BILL TO BE ENTITLED

AN ACT

relating to the criminal offense of evading arrest or detention.

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

SECTION 1. Section 38.04(b), Penal Code, as amended by Chapters 391 (S.B. 496), 839 (H.B. 3423), and 920 (S.B. 1416), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has been previously convicted under this section;

(2) a felony of the third degree if:

(A) the actor uses a vehicle or watercraft while the actor is in flight;

(B) another suffers serious bodily injury as a direct result of the actor fleeing an attempt by the officer or investigator [~~from whom the actor is fleeing~~] to apprehend the actor [~~while the actor is in flight~~]; or

(C) the actor uses a tire deflation device against the officer or investigator while the actor is in flight; or

(3) a felony of the second degree if:

(A) another suffers death as a direct result of the actor fleeing an attempt by the officer or investigator [~~from whom the actor is fleeing~~] to apprehend the actor [~~while the actor~~

1 ~~is in flight~~]; [~~or~~]

2 (B) another suffers serious bodily injury as a
3 direct result of the actor's use of a tire deflation device while
4 the actor is in flight; or

5 (C) the actor uses a vehicle or watercraft while
6 the actor is in flight and the actor has been previously convicted
7 under this section.

8 SECTION 2. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

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