

BILL ANALYSIS

Senate Research Center

S.B. 230
By: Carona
Criminal Justice
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As Filed

DIGEST

Currently, Texas law provides that using a vehicle while in flight from a peace officer is a Class A misdemeanor for first-time offenders and a state jail felony for repeat offenders. S.B. 230 makes a first time offense a state jail felony.

PURPOSE

As proposed, S.B. 230 makes the evasion of arrest or detention by a peace officer a Class B misdemeanor, and provides that the offense is a state jail felony if the actor uses a vehicle while in flight.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.04(b), Penal Code, to provide that an offense under this section is a Class B misdemeanor, except that the offense is a state jail felony if the actor uses a vehicle while the actor is in flight. Deletes text making the offense a Class A misdemeanor if the actor uses a vehicle while in flight and the actor has not been previously convicted under this section. Deletes text making the offense a state jail felony if the actor uses a vehicle and has been previously convicted under this section. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.