

BILL ANALYSIS

Senate Research Center
78R583 ATP-D

H.B. 42
By: Chisum (Duncan)
Criminal Justice
5/10/2003
Engrossed

DIGEST AND PURPOSE

Currently, Texas law requires an offense of escape or unauthorized absence to be prosecuted in the county in which the offense was committed. This means that if a prisoner escapes from a jail in one county and returns to another county in which the prisoner committed the crime for which he or she was jailed, the prisoner must be returned to the county from which he or she escaped to be prosecuted for the escape. H.B. 42 authorizes an escape offense to be prosecuted in the county in which the offense of escape or unauthorized absence was committed, or in the county in which the defendant committed the offense for which the defendant was placed in custody, detained, or required to submit to treatment.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.28, as follows:

Art. 13.28. ESCAPE; UNAUTHORIZED ABSENCE. Authorizes an offense of escape under Section 38.06 (Escape), Penal Code, or unauthorized absence under Section 38.113 (Unauthorized Absence From Community Corrections Facility, County Correctional Center, or Assignment Site), Penal Code, to be prosecuted in the county in which the offense of escape or unauthorized absence was committed, or in the county in which the defendant committed the offense for which the defendant was placed in custody, detained, or required to submit to treatment.

SECTION 2. Makes application of this Act prospective. Provides that for the purposes of this section, an offense was committed before this Act's effective date if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2003.