

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2104
By: Delisi (Nelson)
Criminal Justice
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law provides for an offense if a person hinders the arrest of another person who has committed an offense. There is a loophole in the Penal Code, however, that allows a person to help certain people avoid arrest without punishment. Probation violation is not considered an offense, and therefore someone cannot be prosecuted for helping a probation violator avoid arrest. Also, current law permits hindering the arrest of a juvenile offender for a misdemeanor.

C.S.H.B. 2104 closes these loopholes and allows for the prosecution of a person who assists someone under the authority of a warrant or capias.

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 Section 38.05(a), Penal Code, to provide that a person commits an offense if the person, with intent to hinder the arrest, detention, adjudication, or disposition of a child for engaging in delinquent conduct that violates a penal law of the state, rather than a penal law of the grade of felony, or with intent to hinder the arrest of another other the authority of a warrant or capias, performs certain actions to conceal, aid in the escape of, or warn the other person.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.