

BILL ANALYSIS

Senate Research Center
77R1366 GWK-F

S.B. 215
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Jurisprudence
1/24/2001
As Filed

DIGEST AND PURPOSE

From 1996 to 1998, there were 544 cases of fleeing and evading arrest in Texas. Currently, a first offense of fleeing an attempted lawful arrest using a vehicle is a Class A misdemeanor. Repeat offenses face heightened penalties. As proposed, S.B. 215 would increase the penalties for fleeing and evading arrest or detention in a motor vehicle.

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 38.04(b), Penal Code, to provide that an offense under this section is a Class B misdemeanor, except that the offense is:

- (1) a state jail felony, rather than a Class A misdemeanor, if the actor uses a vehicle while the actor is in flight and the actor has not been previously convicted under this section;
- (2) a felony of the third degree, rather than a state jail felony, if the actor uses a vehicle while in flight and has been previously convicted under this section.

Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.