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AN ACT

relating to the prosecution of the offense of hindering
apprehension or prosecution.

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

SECTION 1. Section 38.05(a), Penal Code, is amended to read
as follows:

(a) A person commits an offense if, with intent to hinder
the arrest, prosecution, conviction, or punishment of another for
an offense or, 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, or with intent to
hinder the arrest of another under the authority of a warrant or
capias [~~grade of felony~~], he:

- (1) harbors or conceals the other;
- (2) provides or aids in providing the other with any
means of avoiding arrest or effecting escape; or
- (3) warns the other of impending discovery or
apprehension.

SECTION 2. The change in law made by this Act applies only
to an offense committed on or after the effective date of this Act.
An offense committed before the effective date of this Act is
covered by the law in effect when the offense was committed, and the
former law is continued in effect for that purpose. For purposes of
this section, an offense is committed before the effective date of

1 this Act if any element of the offense occurs before the effective
2 date.

3 SECTION 3. This Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 2104 was passed by the House on April 6, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2104 on May 27, 2005, by a non-record vote.

Robert Honey

Chief Clerk of the House

I certify that H.B. No. 2104 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED:

17 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 A.M. O'CLOCK

JUN 17 2005

Roger Williams
Secretary of State