

1 AN ACT
2 relating to the offense of escape from custody by a person lawfully
3 detained.

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

5 SECTION 1. Subsections (a) and (c), Section 38.06, Penal
6 Code, are amended to read as follows:

7 (a) A person commits an offense if the person [~~he~~] escapes
8 from custody when the person [~~he~~] is:

9 (1) under arrest for, lawfully detained for, charged
10 with, or convicted of an offense;

11 (2) in custody pursuant to a lawful order of a court;

12 (3) detained in a secure detention facility, as that
13 term is defined by Section 51.02, Family Code; or

14 (4) in the custody of a juvenile probation officer for
15 violating an order imposed by the juvenile court under Section
16 52.01, Family Code.

17 (c) An offense under this section is a felony of the third
18 degree if the actor:

19 (1) is under arrest for, charged with, or convicted of
20 a felony;

21 (2) is confined or lawfully detained in a secure
22 correctional facility or law enforcement facility; or

23 (3) is committed to or lawfully detained in a secure
24 correctional facility, as defined by Section 51.02, Family Code,

1 other than a halfway house, operated by or under contract with the
2 Texas Youth Commission.

3 SECTION 2. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense was committed before that
10 date.

11 SECTION 3. This Act takes effect September 1, 2011.

S.B. No. 844

David Newburn
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 844 passed the Senate on April 14, 2011, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 844 passed the House, with amendment, on May 25, 2011, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 JUN '11
Date

RICK PERDY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4pm O'CLOCK

JUN 17 2011
Debra M. Edwards
Secretary of State