

By: Dutton

H.B. No. 1347

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the charging instrument in the prosecution of the
3 offense of resisting arrest.

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

5 SECTION 1. Chapter 21, Code of Criminal Procedure, is
6 amended by adding Article 21.151 to read as follows:

7 Art. 21.151. RESISTING ARREST. The complaint, information,
8 or indictment in the prosecution of a criminal case in which the
9 sole allegation is that a person has resisted arrest under Section
10 38.03, Penal Code, must state the underlying offense for which the
11 person was resisting arrest.

12 SECTION 2. The change in law made by this Act applies only
13 to a criminal case in which the complaint, information, or
14 indictment is presented to the court on or after the effective date
15 of this Act. A criminal case in which the complaint, information, or
16 indictment was presented to the court before the effective date of
17 this Act is governed by the law in effect on the date the complaint,
18 information, or indictment was presented, and the former law is
19 continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2023.