

CHAPTER 504

H.B. No. 280

AN ACT

relating to presumptions applicable to the offense of evading arrest and to the penalties imposed on conviction of the offense.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 38.04, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) *It is presumed that the actor recklessly engaged in conduct placing another in imminent danger of serious bodily injury under Subsection (d) of this section if the actor operated a motor vehicle while intoxicated during the commission of the offense. In this subsection, "intoxicated" has the meaning assigned that term by Article 67011-1, Revised Statutes.*

(d) *An offense under this section is a Class B misdemeanor unless the actor, during the commission of the offense, recklessly engaged in conduct that placed another in imminent danger of serious bodily injury, in which event the offense is a Class A misdemeanor.*

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) 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 this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 6, 1987, by a non-record vote. Passed by the Senate on May 27, 1987, by a viva-voce vote.

**Ch. 504, § 4**

**70th LEGISLATURE—REGULAR SESSION**

Approved June 17, 1987.  
Effective Sept. 1, 1987.