

BILL ANALYSIS

H.B. 1368
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Law Enforcement
Committee Report (Amended)

BACKGROUND AND PURPOSE

Under current law, a person commits a Class B misdemeanor offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation conducted by a peace officer or by an employee of a law enforcement agency that is authorized to conduct the investigation. However, current law does not differentiate whether the crime being investigated is a misdemeanor offense or a felony offense. House Bill 1368 increases the penalty from a Class B misdemeanor to a state jail felony for cases where the false statement to a peace officer is made in a criminal investigation involving a felony offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. House Bill 1368 amends Section 37.08 of the Penal Code by increasing the penalty for knowingly making a false statement that is material to a criminal investigation of a felony with intent to deceive to a state jail felony. The statement must have been made to a peace officer conducting the investigation or to an employee of a law enforcement agency that is authorized to conduct the investigation and is known by the person to be conducting the investigation.

SECTION 2. This Act applies to offenses committed on or after September 1, 2003, and an offense was committed before this effective date if any element of the offense occurs before this date. For offenses committed before this date, the former law is in effect.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 amends Section 37.08 of the Penal Code by providing that the penalty for making a false statement that is material to the criminal investigation of a felony to a peace officer conducting the investigation, or to an employee of a law enforcement agency that is authorized to conduct the investigation and is known by the person to be conducting the investigation, is a Class A misdemeanor.