

By: McReynolds

H.B. No. 1368

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of making a false report to a peace officer or law enforcement employee.

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

SECTION 1. Section 37.08, Penal Code, is amended to read as follows:

Sec. 37.08. FALSE REPORT TO PEACE OFFICER OR LAW ENFORCEMENT EMPLOYEE. (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to the [a] criminal investigation of a felony and makes the statement to:

(1) a peace officer conducting the investigation; or

(2) an [any] employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

(b) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to the criminal investigation of a misdemeanor and makes the statement to:

(1) a peace officer conducting the investigation; or

(2) an employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

(c) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

1            (d) [~~(c)~~] An offense under Subsection (a) is a state jail  
2 felony. An offense under Subsection (b) [~~this section~~] is a Class B  
3 misdemeanor.

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

12            SECTION 3. This Act takes effect September 1, 2003.

1                                    COMMITTEE AMENDMENT NO. 1

2                    Amend H.B. No. 1368 on page 2, lines 1-2, by striking "state  
3 jail felony" and substituting "Class A misdemeanor".

4    78R9085 EMT-D

Hupp