

## **BILL ANALYSIS**

H.B. 311  
By: McReynolds  
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 investigated is a misdemeanor offense or a felony offense. As amended, House Bill 311 makes the distinction by increasing the penalty in cases where the false statement is made in a criminal investigation involving a felony offense, from a Class B misdemeanor to a Class A misdemeanor.

### **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**

HB 311 amends §37.08 of the Penal Code by adding language to provide that a person commits an offense under subsection (a) if the person makes a false statement material to a criminal investigation of a felony. The bill further amends §37.08 by adding subsection (b) to provide that a person commits an offense under that subsection if the person makes a false statement material to the investigation of a misdemeanor to an officer conducting an investigation or an employee of a law enforcement agency authorized to conduct an investigation whom the actor knows is conducting an investigation, if the statement is made with intent to deceive. This language parallels the elements of the offense for such a false report under current law and under subsection (a), as amended by this Act.

The bill further amends §37.08 by providing that making a false statement under §37.08(b), regarding a misdemeanor investigation, is a Class B misdemeanor, and making a false statement under §37.08(a), regarding a felony investigation, is a state jail felony.

The bill also makes other conforming changes.

Additionally, the bill provides that this Act applies to offenses committed on or after September 1, 2005, and that an offense committed before this effective date is governed by the former law. An offense is considered to be committed before the effective date if any element of the offense occurs before the effective date.

### **EFFECTIVE DATE**

September 1, 2005.

### **EXPLANATION OF AMENDMENTS**

Committee Amendment No.1 amends §37.08 of the Penal Code by making the offense of knowingly making a false statement material to the investigation of a felony a class A misdemeanor, rather than a state jail felony.