

By: McReynolds

H.B. No. 311

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

- 12 (1) a peace officer conducting the investigation; or  
13 (2) an [any] employee of a law enforcement agency that  
14 is authorized by the agency to conduct the investigation and that  
15 the actor knows is conducting the investigation.

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

- 19 (1) a peace officer conducting the investigation; or  
20 (2) an employee of a law enforcement agency that is  
21 authorized by the agency to conduct the investigation and that the  
22 actor knows is conducting the investigation.

23 (c) In this section, "law enforcement agency" has the  
24 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, 2005.

1                                    COMMITTEE AMENDMENT NO. 1

2                    Amend H. B. No. 311 in SECTION 1 of the bill by striking  
3 proposed Section 37.08(d), Penal Code, and substituting the  
4 following:

5                    (d) [~~(c)~~] An offense under Subsection (a) is a Class A  
6 misdemeanor. An offense under Subsection (b) [~~this section~~] is a  
7 Class B misdemeanor.

8                    79R1202 EMT-D

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