

By: Otto, Garcia

H.B. No. 872

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the prosecution of and punishment for the offense of  
3 tampering with or fabricating physical evidence.

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

5 SECTION 1. Section 37.09, Penal Code, is amended by  
6 amending Subsections (c) and (d) and adding Subsection (e) to read  
7 as follows:

8 (c) An offense under Subsection (a) or Subsection (d)(1) is  
9 a felony of the third degree, unless the thing altered, destroyed,  
10 or concealed is a human corpse, in which case the offense is a  
11 felony of the second degree. An offense under Subsection (d)(2) is a  
12 Class A misdemeanor.

13 (d) A person commits an offense if the person:

14 (1) knowing that an offense has been committed,  
15 alters, destroys, or conceals any record, document, or thing with  
16 intent to impair its verity, legibility, or availability as  
17 evidence in any subsequent investigation of or official proceeding  
18 related to the offense; or

19 (2) observes a human corpse [~~remains~~] under  
20 circumstances in which a reasonable person would believe that an  
21 offense had been committed, knows or reasonably should know that a  
22 law enforcement agency is not aware of the existence of or location  
23 of the corpse [~~remains~~], and fails to report the existence of and  
24 location of the corpse [~~remains~~] to a law enforcement agency.

1           (e) In this section, "human corpse" has the meaning assigned  
2 by Section 42.08.

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

11           SECTION 3. This Act takes effect September 1, 2007.