

1-1 By: Otto, Garcia (Senate Sponsor - Nichols) H.B. No. 872  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Committee on Criminal  
1-4 Justice; May 4, 2007, reported favorably by the following vote:  
1-5 Yeas 5, Nays 0; May 4, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the prosecution of and punishment for the offense of  
1-9 tampering with or fabricating physical evidence.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 37.09, Penal Code, is amended by  
1-12 amending Subsections (c) and (d) and adding Subsection (e) to read  
1-13 as follows:

1-14 (c) An offense under Subsection (a) or Subsection (d)(1) is  
1-15 a felony of the third degree, unless the thing altered, destroyed,  
1-16 or concealed is a human corpse, in which case the offense is a  
1-17 felony of the second degree. An offense under Subsection (d)(2) is a  
1-18 Class A misdemeanor.

1-19 (d) A person commits an offense if the person:

1-20 (1) knowing that an offense has been committed,  
1-21 alters, destroys, or conceals any record, document, or thing with  
1-22 intent to impair its verity, legibility, or availability as  
1-23 evidence in any subsequent investigation of or official proceeding  
1-24 related to the offense; or

1-25 (2) observes a human corpse [~~remains~~] under  
1-26 circumstances in which a reasonable person would believe that an  
1-27 offense had been committed, knows or reasonably should know that a  
1-28 law enforcement agency is not aware of the existence of or location  
1-29 of the corpse [~~remains~~], and fails to report the existence of and  
1-30 location of the corpse [~~remains~~] to a law enforcement agency.

1-31 (e) In this section, "human corpse" has the meaning assigned  
1-32 by Section 42.08.

1-33 SECTION 2. The change in law made by this Act applies only  
1-34 to an offense committed on or after the effective date of this Act.  
1-35 An offense committed before the effective date of this Act is  
1-36 governed by the law in effect at the time the offense was committed,  
1-37 and the former law is continued in effect for that purpose. For  
1-38 purposes of this section, an offense was committed before the  
1-39 effective date of this Act if any element of the offense was  
1-40 committed before that date.

1-41 SECTION 3. This Act takes effect September 1, 2007.

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