

AN ACT

relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.

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

SECTION 1. Subdivision (2), Subsection (c), Section 37.10, Penal Code, is amended to read as follows:

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

(A) a public school record, report, or assessment instrument required under Chapter 39, Education Code, data reported for a school district or open-enrollment charter school to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Section 42.006, Education Code, under a law or rule requiring that reporting, or ~~was~~ a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree;

(B) a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the

1 connection or relevance of the evidence to a criminal action; or

2 (C) a written report of the certification,  
3 inspection, or maintenance record of an instrument, apparatus,  
4 implement, machine, or other similar device used in the course of an  
5 examination or test performed on physical evidence for the purpose  
6 of determining the connection or relevance of the evidence to a  
7 criminal action.

8 SECTION 2. Subsection (d), Section 39.03, Penal Code, is  
9 amended to read as follows:

10 (d) An offense under this section is a Class A misdemeanor,  
11 except that an offense is a felony of the third degree if the public  
12 servant acted with the intent to impair the accuracy of data  
13 reported to the Texas Education Agency through the Public Education  
14 Information Management System (PEIMS) described by Section 42.006,  
15 Education Code, under a law requiring that reporting.

16 SECTION 3. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24 SECTION 4. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 124 passed the Senate on April 3, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 124 passed the House, with amendment, on May 20, 2013, by the following vote: Yeas 145, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor