

BILL ANALYSIS

C.S.H.B. 1090
By: Meyer
General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that public servants may misuse official information and realize a net pecuniary gain from such misuse. C.S.H.B. 1090 seeks to further discourage the misuse of official information for personal financial gain by establishing a tiered system of penalties that vary in severity based on the amount of gain realized in such circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1090 amends the Penal Code to establish penalties, including enhanced penalties, for the offense of misuse of official information when the commission of such an offense results in a net pecuniary gain to the actor ranging from a third degree felony to a first degree felony depending on the amount of the net pecuniary gain.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1090 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 39.06, Penal Code, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:
(e) Except as provided by Subsection (f) or (g), an offense under this section is a felony of the third degree.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 39.06, Penal Code, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:
(e) Except as provided by Subsection (f) or (g), an offense under this section is a felony of the third degree.

(g) If the commission of an offense under this section results in a net pecuniary gain to the person committing the offense, the offense is:

(1) a felony of the third degree if the net pecuniary gain is less than \$100,000;

(2) a felony of the second degree if the net pecuniary gain is \$100,000 or more but less than \$200,000; or

(3) a felony of the first degree if the net pecuniary gain is \$200,000 or more.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

(g) If the commission of an offense under this section results in a net pecuniary gain to the person committing the offense, the offense is:

(1) a felony of the third degree if the net pecuniary gain is less than \$150,000;

(2) a felony of the second degree if the net pecuniary gain is \$150,000 or more but less than \$300,000; or

(3) a felony of the first degree if the net pecuniary gain is \$300,000 or more.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.