

By: Bell of Kaufman

H.B. No. 1625

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of false report of misconduct by emergency responders.

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

SECTION 1. Chapter 37, Penal Code, is amended by adding Section 37.082 to read as follows:

Sec. 37.082. FALSE REPORT OF MISCONDUCT BY EMERGENCY RESPONDER. (a) In this section, "emergency services personnel" has the meaning assigned by Section 22.01.

(b) A person commits an offense if, with the intent to deceive, the person:

(1) knowingly makes a false report that a peace officer or emergency services personnel, while performing official duties, engaged in conduct that violates a law of this state, another state, or the United States or conduct that violates any applicable internal policy or code of conduct of the law enforcement agency or emergency services provider employing or supervising the officer or personnel; and

(2) makes the report to:

(A) any law enforcement agency for the purpose of initiating a criminal investigation against the officer or personnel; or

(B) the law enforcement agency or emergency services provider described by Subdivision (1) for the purpose of

1 initiating administrative or other disciplinary action against the
2 officer or personnel.

3 (c) An offense under this section is, if it is shown on the
4 trial of the offense that the false report consisted of an
5 allegation of conduct that violates a penal law of this state, the
6 greater of one category of offense lower than the most serious
7 offense falsely reported or a Class A misdemeanor.

8 (d) An offense under this section is a Class A misdemeanor
9 if it is shown on the trial of the offense that the false report
10 consisted of an allegation of conduct that violates a law of this
11 state, another state, or the United States, other than a penal law
12 of this state, or violates an internal policy or code of conduct of
13 the applicable law enforcement agency or emergency services
14 provider.

15 (e) If conduct that constitutes an offense under this
16 section also constitutes an offense under another law, the actor
17 may be prosecuted under this section, the other law, or both.

18 SECTION 2. This Act takes effect September 1, 2019.