

BILL ANALYSIS

H.B. 789
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, tampering with almost any form of evidence is a third degree felony. While this is certainly a serious offense in cases involving murder or other serious crimes, in situations where an individual disposes of evidence related to a misdemeanor case the punishment for tampering with evidence can far exceed the punishment for the original crime itself. H.B. 789 seeks to address this issue by capping the punishment for tampering with evidence in a misdemeanor case at a Class A misdemeanor level to ensure punishments in these circumstances better align with the severity of the original charge.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 789 amends the Penal Code to decrease from a third degree felony to a Class A misdemeanor the penalty for tampering with or fabricating physical evidence if the thing altered, destroyed, or concealed could be used as evidence only in the investigation of an offense punishable as a misdemeanor or in an official proceeding related to such an offense.

EFFECTIVE DATE

September 1, 2021.