

## **BILL ANALYSIS**

Senate Research Center

H.B. 1207  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been difficult to solve many cold case murders due to the possible destruction of or tampering with evidence, which is a criminal offense. The statute of limitations for tampering with evidence, i.e, with a human corpse, is three years.

It has been argued that removing the statute of limitations for this offense would mitigate destruction of or tampering with evidence and provide law enforcement another tool to prosecute offenders who are involved in a murder case. H.B. 1207 removes the statute of limitations for tampering with evidence in which a human corpse is involved or relating to a criminal homicide.

H.B. 1207 amends current law relating to the statute of limitations for tampering with certain physical evidence.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 12.01, Code of Criminal Procedure, as follows:

Art. 12.01. FELONIES. Authorizes felony indictments to be presented within these limits, except as provided in Article 12.03 (Aggravated Offenses, Attempt, Conspiracy, Solicitation, Organized Criminal Activity), and not afterward:

(1) no limitation:

(A)-(G) makes no changes to these paragraphs;

(H)-(I) makes nonsubstantive changes to these paragraphs; or

(J) tampering with physical evidence under Section 37.09(a)(1) (relating to providing that a person commits an offense if he alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in an investigation or official proceeding) or (d)(1) (relating to providing that a person commits an offense if the person alters, destroys, or conceals any record, document, or thing with the intent to impair its verity, legibility, or availability as evidence in any subsequent investigation of or official proceeding relating to the offense), Penal Code, if:

(i) the evidence tampered with is a human corpse, as defined by that section; or

(ii) the investigation of the offense shows that a reasonable person in the position of the defendant at the time of the commission of the offense would have cause to believe that the evidence tampered

with is related to a criminal homicide under Chapter 19 (Criminal Homicide), Penal Code; or

(2)-(8) makes no changes to these subdivisions.

SECTION 2. Provides that Article 12.01, Code of Criminal Procedure, as amended by this Act, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. Provides that the prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 3. Effective date: September 1, 2023.