

BILL ANALYSIS

H.B. 1300
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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 crimes involving homicide or assault, there are instances where the penalty for tampering with evidence related to a misdemeanor case far exceeds the punishment for the original crime itself. For instance, if a young adult with a spotless record who is driving drunk is pulled over by the police and throws a beer can out of the window to avoid possessing an open container, the driver now faces a third degree felony charge for tampering with evidence, even though driving while intoxicated is a Class B misdemeanor. H.B. 1300, which does not diminish the penalty for any serious offense and does not apply to felony-level cases, seeks to address this issue by capping the punishment for tampering with evidence in a misdemeanor case at a Class A misdemeanor, ensuring punishments in these circumstances better align with the severity of the original crime.

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. 1300 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 in the investigation only of or in an official proceeding related only to an offense punishable as a misdemeanor. The bill's provisions apply only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.