

BILL ANALYSIS

H.B. 1899
By: Meyer
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law describes certain actions by a public servant that are considered a misuse of official information and may be punishable as a third degree felony. To further discourage the misuse of official information for personal financial gain, H.B. 1899 proposes a tiered system of punishment that would increase the criminal penalties in certain circumstances by adding value ladder amounts of pecuniary gain to each criminal penalty level.

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

H.B. 1899 amends the Penal Code to establish a range of penalties for a misuse of official information offense resulting in a net pecuniary gain to the actor that is based on the amount gained. An offense involving a net pecuniary gain of less than \$150,000 remains a third degree felony, while the penalty is enhanced as follows:

- to a second degree felony if the net pecuniary gain is \$150,000 or more but less than \$300,000; and
- to a first degree felony if the net pecuniary gain is \$300,000 or more.

The bill repeals the reduced Class C misdemeanor penalty for a misuse of official information offense involving a public servant, including a school administrator, who, relying on information that has not been made public to which the public servant has access by virtue of their office or employment, coerces another into suppressing or failing to report that information to a law enforcement agency.

H.B. 1899 applies 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.

H.B. 1899 repeals Section 39.06(f), Penal Code.

EFFECTIVE DATE

September 1, 2023.