

- SUBJECT:** Increasing penalty for making a false statement in a felony investigation
- COMMITTEE:** Law Enforcement — favorable, with amendment
- VOTE:** 5 ayes — Driver, Garza, Hegar, Hupp, Keel
2 nays — Burnam, Y. Davis
- WITNESSES:** For — John Rolater, Jr., Dallas District Attorney’s Office
Against — None
- BACKGROUND:** Penal Code, sec. 37.08 establishes an offense for knowingly making a false statement, with intent to deceive, that is material to a criminal investigation to a peace officer or other law enforcement employee conducting the investigation. The offense is a Class B misdemeanor, punishable by up to 180 days in jail and/or a maximum fine of \$2,000.
- DIGEST:** HB 1368, as amended, would make the penalty for knowingly making a false statement in an investigation depend on the crime being investigated. A false statement that was material to a felony investigation would be a Class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000. The offense would remain a Class B misdemeanor if the false statement was material to investigation of a misdemeanor.

The bill would take effect September 1, 2003.
- SUPPORTERS SAY:** HB 1368, as amended, would increase the penalty for making a false statement in a felony investigation. In investigating the sniper shootings in the Washington, D.C., area in October 2002, peace officers received many intentionally false statements from people seeking attention from the media. The same problem occurred in Texas in 2001, when law enforcement officers conducted a manhunt for seven escaped prison inmates. Intentionally false statements waste precious time and resources in a criminal investigation. HB 1368 would deter false statements during investigations of grave crimes. Although some people may not know which crimes are misdemeanors and

which are felonies, the bill would give peace officers an additional tool to discourage intentionally false statements in a criminal investigation.

**OPPONENTS
SAY:**

HB 1368 would not necessarily deter people from making false statements in a felony investigation. Most people do not know which crimes are felonies and which are misdemeanors, and publicity seekers might not be aware of the different consequences under this bill.

NOTES:

The companion bill, SB 843 by Barrientos, has been referred to the Senate Criminal Justice Committee.

The committee amendment would reduce the proposed penalty for making a false statement that was material to a felony investigation from a state-jail felony (punishable by 180 days to two years in a state jail and an optional fine of up to \$10,000) to a Class A misdemeanor.