

- SUBJECT:** Penalty for the offense of tampering with certain school records
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody, Schaefer
0 nays
2 absent — Hughes, Toth
- SENATE VOTE:** On final passage, April 3 — 31- 0
- WITNESSES:** (*On House companion bill HB 206:*)
For — (*Registered, but did not testify:* Donnis Baggett, Texas Press Association; Arif Panju, Freedom of Information Foundation of Texas)
Against — None
- BACKGROUND:** Penal Code, sec. 37.10 creates an offense if a person:
- knowingly makes a false entry in, or false alteration of, a government record;
 - makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
 - intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
 - possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully or knowledge that it was obtained unlawfully; or
 - makes, presents, or uses a governmental record with knowledge of its falsity.

This offense is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if it is shown at trial that the governmental record was a public school record, report, or state-mandated assessment instrument, except that if the offense is committed with the intent to defraud or harm another it is a second-degree felony (two to 20 years in

prison and an optional fine of up to \$10,000).

The Public Education Information Management System (PEIMS) encompasses all data requested and received by the Texas Education Agency about public education, including student demographic and academic performance, personnel, financial, and organizational information.

DIGEST:

SB 124 would make it a third-degree felony to violate Penal Code, sec. 37.10 if the governmental record was shown at trial to be data reported for a school district or open-enrollment charter school to the Texas Education Agency through PEIMS under a law or rule requiring that reporting. If the offense was committed with the intent to defraud or harm another it would be a second-degree felony.

The bill would take effect September 1, 2013 and would apply only to an offense committed on or after that date.