

## **BILL ANALYSIS**

Senate Research Center

H.B. 2442  
By: Galloway (Shapiro)  
Criminal Justice  
5-14-97  
Engrossed

### **DIGEST**

Currently, under Section 31.11 of the Penal Code, tampering with identification numbers is defined as a Class A misdemeanor, and it is an affirmative defense to prosecution that the person was the owner or acting with the effective consent of the owner of the property involved; a peace officer acting in the discharge of official duties; or an employee of the Texas Department of Transportation (department) in the discharge of official duties or in compliance with department rules. H.B. 2442 makes the offense of tampering with identification numbers a state jail felony if the item of property is a vehicle, aircraft, boat, firearm, or parts of any of those properties. In addition, this bill provides that it is an affirmative defense to prosecution that the person was the owner or acting with the property owner's consent and the item of property is not a vehicle or part of a vehicle; an aircraft, boat, or part of an aircraft or boat; or a firearm or part of a firearm.

### **PURPOSE**

As proposed, H.B. 2442 establishes provisions regarding the prosecution of and the penalty for the offense of tampering with identification numbers.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 31.11, Penal Code, by amending Subsections (b) and (d), redesignating Subsection (e) as Subsection (f), and adding a new Subsection (e), to provide that it is an affirmative defense to prosecution under this section, regarding tampering with identification numbers, that the person was the owner or acting with the effective consent of the owner of the property involved, and the item of property is not property described by Subsection (e). Provides that an offense under this section is a state jail felony if the item of property involved is a vehicle or part of a vehicle; an aircraft, boat, or part of an aircraft or boat; or a firearm or part of a firearm. Defines "firearm" and "vehicle." Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.