

BILL ANALYSIS

Senate Research Center

S.B. 160
By: Brown
Criminal Justice
2-17-97
As Filed

DIGEST

Currently, Texas law provides that a person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, the person tampers with or fabricates physical evidence. The law does not provide for those instances when an individual, knowing an offense has been committed, tampers with or fabricates physical evidence, after the offense has been committed but prior to the point at which the investigation or official proceeding is legally considered to have been pending or in progress. This bill provides for the prosecution of the offense of tampering with or fabricating physical evidence.

PURPOSE

As proposed, S.B. 160 provides for the prosecution of the offense of tampering with or fabricating physical evidence.

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 37.09, Penal Code, by adding Subsection (d), to provide that a person commits an offense if, knowing that an offense has been committed, the person alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility or availability as evidence in any subsequent investigation of or official proceeding related to the offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.