

## **BILL ANALYSIS**

Senate Research Center  
77R5347 GWK-F

S.B. 904  
By: Bernsen  
Criminal Justice  
3/30/2001  
As Filed

### **DIGEST AND PURPOSE**

Under the Penal Code, it is an offense to make a false report regarding a criminal investigation to a peace officer or law enforcement agency employee conducting the investigation. The punishment for this offense is a Class B misdemeanor, regardless of the crime being investigated. Law enforcement officers encounter many false reports related to the investigation of felonies. Since the punishment for this offense is relatively minor, there is little deterrent to make such false reports. Investigation of felony crimes cost police departments considerable time and money. As proposed, S.B. 904 increases the punishment for this offense to a state jail felony, if a person makes a false statement to a peace officer or law enforcement employee that is material to the investigation of a felony.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.08, Penal Code, to provide that a person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to the criminal investigation of a felony or a misdemeanor and makes the statement to certain individuals. Provides that a false statement made in the investigation of a felony or a misdemeanor is a state jail felony offense and a Class B misdemeanor offense, respectively.

SECTION 2. Makes application of this Act prospective.

SECTION 3. September 1, 2001.

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