

## **BILL ANALYSIS**

Senate Research Center  
77R12577 KLA-D

C.S.S.B. 904  
By: Bernsen  
Criminal Justice  
4-12-2001  
Committee Report (Substituted)

### **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. C.S.S.B. 904 increases the punishment for this offense to a Class A misdemeanor, if a person makes a false statement to a peace officer or law enforcement employee that is material to the investigation of a felony, and increases the punishment to a state jail felony if it is shown the defendant has previously been convicted of such an offense.

### **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. Amends Chapter 37, Penal Code, by adding Sections 37.082, 37.083, and 37.084, as follows:

Sec. 37.082. FALSE STATEMENT IN APPLICATION FOR PROTECTIVE ORDER. Provides that a person commits a Class A misdemeanor if, with intent to deceive, the person knowingly makes a false statement in an application for a protective order under Title 4 (Protective Order and Family Violence), Family Code.

Sec. 37.083. FALSE REPORT OF FAMILY VIOLENCE. Defines "family violence." Provides that a person commits a Class C misdemeanor if, with intent to deceive, the person knowingly files a false report of family violence with a law enforcement officer or agency, or makes a false statement relating to family violence to a law enforcement officer, another employee of a law enforcement agency, or any other governmental agency.

Sec. 37.084. FALSE REPORT OF CHILD ABUSE OR NEGLECT. Defines "abuse" and "neglect." Provides that a person commits a Class A misdemeanor, except as provided by this section, if with intent to deceive, the person knowingly files a false report of child abuse or neglect with a law enforcement officer or agency, or makes a false statement or report relating to child abuse or neglect to any other governmental agency. Requires a defendant, on conviction, to be punished for a state jail felony, if it is shown on the trial of an offense

punishable under this section that the defendant has previously been convicted of an offense under this section.

SECTION 3. Amends Section 261.107, Family Code, as follows:

Sec. 261.107. New heading: FALSE REPORT. Deletes text regarding the penalty for making a false report. Deletes text that required the appropriate county prosecuting attorney to be responsible for the prosecution of an offense under this section.

SECTION 4. Makes application of this Act prospective.

SECTION 5. September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. No Change.

SECTION 2. Adds a new SECTION 2 regarding a false statement in an application for protective order; a false report of family violence; and a false report of child abuse or neglect.

SECTION 3. Adds a new SECTION 3 that deletes text regarding the penalty for making a false report.

SECTION 4. Renumbers proposed SECTION 2 as SECTION 4.

SECTION 5. Renumbers proposed SECTION 3 as SECTION 5.