

BILL ANALYSIS

Senate Research Center
80R3852 SLO-F

S.B. 1393
By: Nichols
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are cases in which tampering with the human remains of a murder victim can hinder or prevent the conviction of the murderer. In these cases, the most a person can be convicted of is evidence tampering, a third degree felony with a maximum sentence of 10 years.

As proposed, S.B. 1393 increases the penalty for evidence tampering, if the evidence tampered with is a human corpse, to a second degree 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 37.09, Penal Code, by amending Subsections (c) and (d) and adding Subsection (e), as follows:

(c) Provides that an offense under Subsections (a) or (d)(1) (altering, destroying, or concealing an item to impair its use as evidence in a current or subsequent investigation or official proceeding) is a third-degree felony, unless it is a human corpse that is altered, destroyed, or concealed, in which case the offense is a second degree felony.

(d) Makes conforming changes.

(e) Defines "human corpse."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.