

BILL ANALYSIS

Senate Research Center
82R9291 NAJ-D

H.B. 3423
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, if someone is committing certain crimes against federal special investigators—for example, fleeing from a border patrol agent, making a false report to an FBI agent, or attempting to take the weapon from a federal special investigator—it is difficult to charge the offender in state court.

H.B. 3423 amends current law relating to certain criminal offenses committed in relation to a federal special investigator and provides criminal penalties.

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 1.07(a), Penal Code, by adding Subdivision (46-b) to define "federal special investigator."

SECTION 2. Amends the heading to Section 37.08, Penal Code, to read as follows:

Sec. 37.08. FALSE REPORT TO PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, OR LAW ENFORCEMENT EMPLOYEE.

SECTION 3. Amends Section 37.08(a), Penal Code, as follows:

(a) Provides that a person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:

- (1) a peace officer or federal special investigator conducting the investigation; or
- (2) Makes no changes to this subdivision.

SECTION 4. Amends Sections 38.04(a), and (b), Penal Code, as follows:

(a) Provides that a person commits an offense if he intentionally flees from a person he knows is a peace officer or a federal special investigator attempting lawfully to arrest or detain him.

(b) Makes conforming changes.

SECTION 5. Amends the heading to Section 38.14, Penal Code, to read as follows:

Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, EMPLOYEE OR OFFICIAL OF CORRECTIONAL FACILITY, PAROLE OFFICER, COMMUNITY SUPERVISION

AND CORRECTIONS DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER.

SECTION 6. Amends Sections 38.14(b), (c), (d), and (e), Penal Code, as follows:

(b) Provides that a person commits an offense if the person intentionally or knowingly and with force takes or attempts to take from a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer the officer's, investigator's, employee's, or official's firearm, nightstick, stun gun, or personal protection chemical dispensing device with the intention of harming the officer, investigator, employee, or official or a third person.

(c)-(e) Makes conforming changes.

SECTION 7. Effective date: September 1, 2011.