

## **BILL ANALYSIS**

Senate Research Center  
88R18206 DRS-D

H.B. 914  
By: Hefner et al. (Whitmire)  
Criminal Justice  
4/28/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Concerned parties have noted that fraudulently obtained temporary motor vehicle tags can be used in furtherance of criminal behavior such as stolen vehicles, robberies, burglaries, capital murder, kidnapping, human smuggling, narcotics smuggling, unregistered vehicles, avoiding toll road fees, or to circumvent the state-mandated safety and emissions inspections. However, law enforcement agencies do not have the necessary tools to enforce laws and regulations related to the fraudulent use of temporary motor vehicle tags.

Classifying temporary vehicle tags as governmental records would help deter people from fabricating fraudulent tags if it were made a Class A misdemeanor. This could also help improve public safety by giving prosecutors the necessary tools to hold accountable those who altered temporary tags.

H.B. 914 seeks to deter the production or use of fraudulent temporary motor vehicle tags by:

- including both a temporary motor vehicle registration tag and a temporary motor vehicle license tag in the definition of "governmental record";
- specifying that tampering with either would constitute a Class A misdemeanor offense; and
- including such an offense among the offenses for which a peace officer may issue a citation containing notice to appear instead of taking the actor before a magistrate, if the offense occurred in the county where the offender resides.

H.B. 914 amends current law relating to temporary vehicle tags and the offense of tampering with a governmental record.

### **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 Article 14.06(d), Code of Criminal Procedure, as follows:

(d) Provides that Subsection (c) (relating to authorizing a peace officer who is charging a person with committing an offense that is a Class A or B misdemeanor to issue a citation to the person that contains written notice of the time and place the person is required to appear before a magistrate) applies only to a person charged with committing an offense under certain sections, including Section 37.10 (Tampering With Governmental Record), Penal Code, if the offense is for tampering with a temporary tag issued under Chapter 502 (Registration of Vehicles) or 503 (Dealer's and Manufacturer's Vehicle License Plates), Transportation Code.

SECTION 2. Amends Section 37.01(2), Penal Code, to redefine "governmental record."

SECTION 3. Amends Section 37.10(c), Penal Code, by amending Subdivision (1) and adding Subdivision (6), as follows:

(1) Creates an exception under Subdivision (6).

(6) Provides that an offense under this section is a Class A misdemeanor if the governmental record is a temporary tag issued under Chapter 502 or 503, Transportation Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.