

BILL ANALYSIS

H.B. 1813
By: Vo
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law addresses crimes relating to tampering with governmental records, and although certain enumerated types of governmental records are treated as third degree felonies, there have been instances where tampering with records of forensic testing and reports of inspection and maintenance of instruments used to test physical evidence have occurred. In these severe cases, an offender may only be charged with a state jail offense.

H.B. 1813 makes tampering with forensic, medical, chemical, toxicological, and ballistic reports, as well as reports of certification, inspection, or maintenance of instruments used to examine or test physical evidence, a third degree felony.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1813 amends the Penal Code to expand the conditions that constitute the third degree felony offense of tampering with governmental records to include tampering with a governmental record that is a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action or that is a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action.

EFFECTIVE DATE

September 1, 2009.