

BILL ANALYSIS

Senate Research Center

H.B. 157
By: Driver (Duncan)
Criminal Justice
5-9-97
Engrossed

DIGEST

Currently, possessing, selling, or offering to sell a counterfeit proof of financial responsibility certificate can be prosecuted as a third degree felony under Section 37.10, Penal Code. However, Sections 601.087 and 601.196 of the Transportation Code make this same offense a misdemeanor. H.B. 157 would make possessing, selling, or offering to sell a counterfeit evidence of financial responsibility a third degree felony under Section 37.10, Penal Code; and would repeal Sections 601.087 and 601.196 of the Transportation Code.

PURPOSE

As proposed, H.B. 157 sets forth the penalty for tampering with certain governmental records.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.10, Penal Code, by amending Subsection (c), and adding Subsection (h), to provide that an offense under Subsection (a)(4) or (a)(6), regarding possessing, selling, or offering to sell a governmental record or a blank governmental record form with knowledge that it was obtained or with intent that it be used unlawfully, is a third degree felony if the governmental record is an evidence of financial responsibility. Defines "evidence of financial responsibility." Makes conforming changes.

SECTION 2. Repealer: Section 601.087, Transportation Code (Governmental Record; Unauthorized Certificate or Form) and Section 601.196, Transportation Code (Evidence Forged or Signed Without Authority; Offense).

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.