

BILL ANALYSIS

Senate Research Center

H.B. 319
By: Driver (Cain)
Economic Development
5/13/1999
Engrossed

DIGEST

Currently, possessing, selling, or offering to sell a governmental record or blank governmental record can be prosecuted as a third degree felony under Section 37.10, Penal Code. Alternatively, forging, signing, filing or offering to file evidence of financial responsibility can be prosecuted only as a misdemeanor under Sections 601.087 and 601.196, Transportation Code. H.B. 319 specifies that forging, possessing, selling, or offering to sell a governmental record that is evidence of financial responsibility is a third degree felony under Section 37.10, Penal Code.

PURPOSE

As proposed, H.B. 319 establishes the penalties 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 37.01(2), Penal Code, to redefine “government record.”

SECTION 2. Amends Sections 37.10(c) and (d), Penal Code, to set forth certain penalties for an offense under this section, if it is shown on the trial of the offense that the governmental record is described by Section 37.01(2)(D). Makes a conforming change.

SECTION 3. Amends Section 521.451, Transportation Code, to provide that an offense under this section is a Class B misdemeanor.

SECTION 4. Repealer: Sections 601.087 and 601.196, Transportation Code (regarding government record, unauthorized certificate or form and evidence forged or signed without authority).

SECTION 5. (a) Provides that the repeal by this Act of Section 601.196, Transportation Code, does not apply to an offense committed under that section before the effective date of the repeal. Establishes that for purposes of this section, an offense is committed before the effective date of the repeal if any element of the offenses occurs before that date.

(b) Provides that an offense under Chapter 37, Penal Code, committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. Makes application of SECTIONS 1 and 2 of this Act prospective.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.