

BILL ANALYSIS

Senate Research Center
77R7527 JMC-D

S.B. 1313
By: Staples
Criminal Justice
3/30/2001
As Filed

DIGEST AND PURPOSE

Currently, there is a loophole in state law that does not allow for the prosecution of an individual who observes the commission of a felony but fails to report it to a peace officer or a law enforcement agency. As proposed, S.B. 1313 makes the failure to report the commission of a felony offense a Class A misdemeanor.

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 Chapter 38, Penal Code, by adding Section 38.18, as follows:

Sec. 38.18. FAILURE TO REPORT FELONY. Provides that a person who is 14 years of age or older commits a Class A misdemeanor if the actor:

- observes the commission of a felony under circumstances in which a reasonable person would believe that an offense of a serious nature had been committed;
- fails to immediately report the commission of the offense to a peace officer or law enforcement agency; and
- could immediately report the commission of the offense without placing the actor in danger of suffering serious bodily injury or death.

SECTION 2. Effective date: September 1, 2001.

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