

BILL ANALYSIS

Senate Research Center
77R14100 JMC-D

C.S.S.B. 1313
By: Staples
Criminal Justice
4-26-2001
Committee Report (Substituted)

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. C.S.S.B. 1313 makes the failure to report the commission of certain felony offenses which may result in serious bodily injury or death 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 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 in which serious bodily injury or death may have resulted;
- fails to immediately report the commission of the offense to a peace officer or law enforcement agency and a reasonable person would believe that the commission of the offense had not been reported; 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.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 by deleting language providing that a person subject to committing offense under this section must be 14 years of age or older. Adds new text to SECTION 1 for conditions under which a person commits an offense under this section.