

BILL ANALYSIS

Senate Research Center
79R12532 KCR-D

H.B. 126
By: Berman (Eltife)
Education
5/9/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the penalty for tampering with a governmental document, including a public school record to establish residency for a student, is a Class A misdemeanor. However, many cases related to fraudulent public school residency documents are not prosecuted due to more serious cases taking precedence.

H.B. 126 amends the Penal Code to make the penalty for tampering with a governmental record required for the enrollment of a student in public school a Class C misdemeanor. This level of offense can be handled in justice of the peace court rather than only in a higher court which has jurisdiction over Class A misdemeanors. Increasing court access will likely increase enforcement, as a justice of the peace court can issue a citation and fine which would be public record. This may further discourage individuals from tampering with school documents related to establishing residency.

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 Section 37.10(c), Penal Code, as follows:

- (c)(1) Provides an exception to this subdivision as created by Subdivision (3).
- (2) Makes no changes to this subdivision.
- (3) Provides that an offense under this section (Tampering With Governmental Record) is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

SECTION 2. Amends Section 25.001(b), Education Code, to require the board of trustees of a school district or its designee to admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if the person does not reside in the school district but the grandparent of the person resides in the school district and provides a substantial amount of after-school care for the person as determined by the board.

SECTION 3. Makes application of Section 37.10(c), Penal Code, as amended by this Act, prospective.

SECTION 4. Makes application of Section 25.001(b), Education Code, as amended by this Act, prospective to the 2005-2006 school year.

SECTION 5. Effective date: upon passage or September 1, 2005.