

## **BILL ANALYSIS**

Senate Research Center  
80R3852 SLO-F

H.B. 872  
By: Otto, Garcia (Nichols)  
Criminal Justice  
5/2/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 37.09, Penal Code, addresses crimes relating to tampering with or the fabrication of physical evidence. There have been occurrences where the physical evidence that has been tampered with or fabricated is a human corpse. In some cases, more severe charges against a suspect cannot be pursued because the human corpse has deteriorated to the point that it is no longer useful as evidence in an investigation or trial.

H.B. 872 makes the crimes of altering, destroying, or concealing physical evidence a second degree felony if the evidence is a human corpse.

### **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 37.09, Penal Code, by amending Subsections (c) and (d) and adding Subsection (e), as follows:

(c) Provides that an offense under Subsection (a) (relating to tampering with or fabricating physical evidence) is a third degree felony, unless the thing altered, destroyed, or concealed is a human corpse, in which case the offense is a second degree felony.

(d) Makes conforming changes.

(e) Defines "human corpse."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.