

BILL ANALYSIS

Senate Research Center
86R3323 TSS-D

S.B. 405
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an individual can be charged with a Class B Misdemeanor if he or she knowingly makes a false report to a peace officer, federal special agent, or law enforcement agent. However, it was recently discovered that no such penalty exists if an individual knowingly makes a false claim to a corrections officer or jailer. Last summer, an individual arrested for drunk driving made a claim of sexual assault to a jailer against the arresting DPS officer. After a thorough investigation by the local district attorney this claim was proven unequivocally false and the accuser recanted their statement. Unfortunately, while the individual making the false claim faced no penalty, this accusation went viral on social media, putting the reputation and life of the DPS officer in danger.

This bill amends Section 37.08 of the Penal Code to include corrections officers and jailers on the list of persons an individual may not knowingly make a false claim to without facing penalty.

As proposed, S.B. 405 amends current law relating to the criminal offense of making a false report to a peace officer, federal special investigator, law enforcement employee, corrections officer, or jailer.

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 the heading of Section 37.08, Penal Code, to read as follows:

Sec. 37.08. FALSE REPORT TO PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, LAW ENFORCEMENT EMPLOYEE, CORRECTIONS OFFICER, OR JAILER.

SECTION 2. Amends Section 37.08(a), Penal Code, to provide that a person commits an offense if, with the intent to deceive, he knowingly makes a false statement that is material to a criminal investigation to a corrections officer or jailer, in addition to certain other law enforcement officials.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.