

BILL ANALYSIS

H.B. 3789
By: Guillen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been difficult to solve many cold case murders due to the possible destruction or tampering of evidence, which is a criminal offense. It has been argued that removing the statute of limitations for this offense would mitigate the destruction or tampering of evidence and provide law enforcement another tool to prosecute offenders who are involved in a murder case. H.B. 3789 removes the statute of limitations for tampering with evidence in which a human corpse is involved or relating to a criminal homicide.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3789 amends the Code of Criminal Procedure to remove the statute of limitations for the felony offense of tampering with physical evidence if the evidence tampered with is a human corpse or the investigation of the offense shows that a reasonable person in the position of the defendant at the time of the commission of the offense would have cause to believe that the evidence tampered with is related to a criminal homicide.

EFFECTIVE DATE

September 1, 2021.