

**SUBJECT:** Offense for false statement to law enforcement agency employee

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 6 ayes — Place, Talton, Galloway, Keel, Nixon, A. Reyna  
0 nays  
3 absent — Dunnam, Farrar, Hinojosa

**SENATE VOTE:** On final passage, February 18 — voice vote

**WITNESSES:** For — Steve Lyons, Houston Police Department; James O. Self and Alex Perez, San Antonio Police Officers Association; Carvel McNeil, Jr., Houston Police Patrolmen's Union; Stephen Sanders, Texas Conference of Police and Sheriffs; Lance Lively, Texas Municipal League; Mark Clark, Combined Law Enforcement Associations of Texas  
  
Against — None  
  
On — Edmund Heimlich, Informed Citizen

**BACKGROUND :** It is a criminal offense for a person to knowingly make a false statement, with intent to deceive, to a peace officer conducting a criminal investigation if the statement is material to the investigation. The offense is a Class B misdemeanor, with a maximum penalty of 180 days in jail and a \$2,000 fine).

**DIGEST:** CSSB 329 would make it a Class B misdemeanor to knowingly make a false statement, with intent to deceive, that was material to a criminal investigation to any employee of a law enforcement agency that was authorized by the agency to conduct the investigation and that the person knew was conducting the investigation.  
  
CSSB 329 would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

CSSB 329 would be a necessary and reasonable extension of the current offense of making a false report to a peace officer so that it would include making false statements to civilian employees of law enforcement agencies. In an effort to keep police officers on the street, police departments are increasingly using civilian employees for administrative and investigatory work such as taking statements for criminal investigations. While current law makes it a crime to make a false statement to a peace officer, the law does not cover making a false statement to a civilian employee of a law enforcement agency. CSSB 329 would close this loophole by making it an offense to make a false statement to an employee of a law enforcement agency who was conducting a criminal investigation. It is just as important that persons tell the truth to civilian employees conducting criminal investigations as it is that they give peace officers truthful information.

CSSB 329 would hold persons making statements to civilian employees to the same standards as persons are held to when making statements to peace officers. For persons to commit an offense, they would have to make a false statement that was material to the criminal investigation, with intent to deceive. This would ensure that an offense could occur only if a false statement was important to an investigation. However, to ensure that persons knew an employee was gathering material for an investigation, CSSB 329 also would require that for an offense to be committed, persons making false statements would have to know that a law enforcement employee was conducting a criminal investigation.

**OPPONENTS  
SAY:**

Since CSSB 329 would expand the current offense of making a false report to a police officer to include law enforcement employees, the bill should also require that persons know that the false statement they made was material to an investigation. Persons who are giving statements might not know whether something that they said that was untruthful was material to an investigation. For example, a person might not tell an investigator the truth about a previous marriage of someone being investigated and might not know that the information was crucial to the investigation. Punishment of deception should be tied to knowledge that the information was important to the investigation. This could be especially important for persons giving statements to law enforcement employees since they might not take the responsibility to tell the truth to a civilian as seriously as they do to a peace officer.

NOTES:           The committee substitute would specify that a false statement would have to be made to an employee of a law enforcement agency who was authorized to conduct an investigation.