

**SUBJECT:** Increasing penalty for making a false report in a felony investigation

**COMMITTEE:** Law Enforcement — favorable, as amended

**VOTE:** 6 ayes — Driver, Jackson, Frost, Hegar, Hupp, Veasey  
0 nays  
1 absent — Burnam

**WITNESSES:** For — Robert L. Green, Jr., Texas Fatherhood Alliance and Lone Star Fatherhood Alliance; Charley Wilkison, Combined Law Enforcement Associations of Texas  
Against — None

**BACKGROUND:** Penal Code, sec. 37.08 establishes an offense for knowingly making a false statement material to a criminal investigation, with intent to deceive, to a peace officer or other law enforcement employee conducting an investigation. The offense is a class B misdemeanor, punishable by up to 180 days in jail and/or a maximum fine of \$2,000.

**DIGEST:** HB 311, as amended, would make the penalty for knowingly making a false statement in an investigation depend on the crime being investigated. Making a false statement that was material to a felony investigation would be a class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000. The offense would remain a class B misdemeanor if a person made a false statement that was material to the investigation of a misdemeanor.  
  
The bill would take effect September 1, 2005.

**SUPPORTERS SAY:** HB 311, as amended, would increase the penalty for making a false statement in a felony investigation. In investigating the sniper shootings in the Washington, D.C. area in October 2002, peace officers received many intentionally false statements from people seeking attention from the media. The same problem occurred in Texas in 2001, when law

enforcement officers conducted a manhunt for seven escaped prison inmates (commonly known as the Texas 7).

Intentionally false statements waste precious time and resources in a criminal investigation. HB 311 would help deter false statements during investigations of serious crimes. Although some people may not know which crimes are misdemeanors and which are felonies, the bill would give peace officers an additional tool to discourage intentionally false statements in criminal investigations.

**OPPONENTS  
SAY:**

HB 1368 would not necessarily deter people from making false statements in felony investigations. Most people do not know which crimes are felonies and which are misdemeanors, and publicity seekers might not be aware of the different consequences under this bill.

**NOTES:**

The committee amendment would make the proposed penalty for making a false statement material to a felony investigation a class A misdemeanor, rather than a state-jail felony (punishable by 180 days to two years in a state jail and an optional fine of up to \$10,000).