

SUBJECT: Including corrections officers, jailers in crime of making false report

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Collier, Zedler, M. González, Hunter, P. King, Moody, Murr

0 nays

2 absent — K. Bell, Pacheco

SENATE VOTE: On final passage, April 25 — 30-0

WITNESSES: No public hearing

BACKGROUND: Under Penal Code sec. 37.08, it is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) to, with intent to deceive, knowingly make a false statement that was material to a criminal investigation to:

- a peace officer or federal special investigator conducting the investigation; or
- any employee of a law enforcement agency authorized by the agency to conduct the investigation and who the person knew was conducting the investigation.

Some have noted that current law has a gap under which it would not be a crime to give false statements about criminal investigations to correction officers and jailers who were not peace officers.

DIGEST: SB 405 would extend the current criminal offense for making false statements material to a criminal investigation to include making such statements to corrections officers and jailers.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.