

## **BILL ANALYSIS**

Senate Research Center  
81R9965 JRH-F

H.B. 1813  
By: Vo et al. (Williams)  
Criminal Justice  
5/1/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 37.10 (Tampering With Governmental Record), Penal Code, addresses crimes relating to tampering with governmental records. Although certain enumerated types of governmental records are treated as third degree felonies, there have been occasions where records of forensic testing and reports of inspection and maintenance of instruments used to test physical evidence have been tampered with. In these severe cases a suspect can only be charged with a state jail felony offense.

H.B. 1813 provides that tampering with forensic, medical, chemical, toxicological, and ballistic reports, as well as reports of certification, inspection, or maintenance of instruments used to examine or test physical evidence, is a third degree felony.

### **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 Section 37.10(c)(2), Penal Code, as follows:

(2) Provides that an offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action or a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.