

AN ACT

relating to the penalty for tampering with a governmental record establishing residency for enrollment in a public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.10(c), Penal Code, is amended to read as follows:

(c)(1) Except as provided by Subdivisions [~~Subdivision~~] (2) and (3) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) 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 public school record, report, or assessment instrument required under Chapter 39, Education Code, or was a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree.

(3) An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

1 SECTION 2. Section 37.10(c), Penal Code, as amended by this
2 Act, applies only to an offense committed on or after the effective
3 date of this Act. An offense committed before the effective date of
4 this Act is covered by the law in effect when the offense was
5 committed, and the former law is continued in effect for that
6 purpose. For purposes of this section, an offense was committed
7 before the effective date of this Act if any element of the offense
8 was committed before that date.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.

David Newburn

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 126 was passed by the House on April 22, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 126 on May 26, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 126 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Patricia Spaw
Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

JUN 18 2005

Roger Williams
Secretary of State