

1 AN ACT

2 relating to the prosecution of and punishment for the offense of  
3 tampering with a witness.

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

5 SECTION 1. Section 36.05, Penal Code, is amended by  
6 amending Subsection (d) and adding Subsections (e) and (f) to read  
7 as follows:

8 (d) An offense under this section is a [~~state-jail~~] felony  
9 of the third degree, except that if the official proceeding is part  
10 of the prosecution of a criminal case, an offense under this section  
11 is the same category of offense as the most serious offense charged  
12 in that criminal case.

13 (e) Notwithstanding Subsection (d), if the most serious  
14 offense charged is a capital felony, an offense under this section  
15 is a felony of the first degree..

16 (f) If conduct that constitutes an offense under this  
17 section also constitutes an offense under any other law, the actor  
18 may be prosecuted under this section, the other law, or both.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the

H.B. No. 1856

1 effective date of this Act if any element of the offense occurred  
2 before that date.

3 SECTION 3. This Act takes effect September 1, 2011.

*Stephen Rayburn*  
President of the Senate

*Joe Straus*  
Speaker of the House

I certify that H.B. No. 1856 was passed by the House on May 13, 2011, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

*Robert Haney*  
Chief Clerk of the House

I certify that H.B. No. 1856 was passed by the Senate on May 25, 2011, by the following vote: Yeas 31, Nays 0.

*Patricia Saw*  
Secretary of the Senate

APPROVED: 17 JUN '11

Date

*Rick Perry*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

4:00pm O'CLOCK

JUN 17 2011

*Boyan Radosh*  
Secretary of State