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Texas penal code false report to a police officer. Can you get in trouble for a false police report. What is the penalty for filing a false police report in texas. What is the punishment for a false police report.

As Fort Worth criminal defense attorneys, we are often asked by witnesses and victims what might happen if it comes to light that the story they told the police was not exactly true. We often see this in Domestic Violence cases, when a victim decides that the statement he or she gave on the night of the incident was perhaps embellished a little during a fit of anger. Witnesses later become fearful when they realize they might have to take the witness stand and give a different (truthful) account of the event. They worry that they might be charged with a crime themselves for filing a false police report. Filing a False Police Report in Texas | Texas Penal Code Section 37.08 Section 37.08 of the Texas Penal Code provides: (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; or (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. Filing a false report under Section 37.08 is a Class B Misdemeanor, punishable by up to 180 days in jail and a fine up to \$2,000. *Filing a false report about a missing child or missing person is a Class C offense, punishable by fine only. Charges for Filing a False Report Do Not Happen Very Often in Texas In our line of work, we see false reports on a daily basis. Be they embellished statements, outright lies, or statements that simply omit important details, false reports happen all the time. In over 10 years, we have yet to see a case filed on a victim or witness for filing a false report or giving a false statement. While we're sure it has happened, it doesn't happen very often in our experience. Perhaps it is because the state does not want to chill victims from reporting or because no one knows which story was actually true. Either way, it is unlikely that a victim or witness who changes their story is going to be charged with an offense. Regardless, we always tell witnesses to simply TELL THE TRUTH. If you tell the truth, even if the truth has changed since the first time you told the story, you'll probably be in good shape. *Note: this post does not discuss the offense of Perjury, which is a separate offense involving swearing to a false statement. See Texas Penal Code Section 37.02. Are you facing criminal prosecution in Tarrant County, Texas for the crime of False Report to a Peace Officer? If so, it is imperative that you immediately contact an experienced criminal lawyer in Fort Worth, Texas to advise you of your options and research what the Texas Penal Code provides as a defense to your criminal charge of False Report to a Peace Officer. One of the most common situations in which a citizen of Tarrant County is charged with False Report to a Peace Officer is when they seek to make a clarification and tell the truth about their statement they gave involving a different criminal investigation. For example, it is quite common for the alleged victim in a domestic violence or assault investigation to exaggerate their account of what happened when they are questioned at the scene. It is human nature to exaggerate facts when an individual is highly emotional and angry about a situation. Quite commonly, the alleged victim will "cool down" and realize that the account they gave to police at the scene was not an accurate representation of what actually happened at the scene. When the alleged victim seeks to tell the truth and inform the Tarrant County District Attorney's Office what actually happened, the prosecutor may seek to charge the alleged victim with the crime of False Report to a Peace Officer. According to Texas Penal Code, Section 37.08, the Tarrant County District Attorney's Office will be required to prove the following elements of False Report to a Peace Officer beyond a reasonable doubt: A person commits the offense of False Report to a Peace Officer if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to a peace officer or federal special investigator conducting the investigation; or any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. The Texas Penal Code classifies False Report to a Peace Officer as a Class B Misdemeanor. Under Texas law, a Class B Misdemeanor has a range of punishment up to 180 days in the Tarrant County jail and up to a \$2,000 fine. As you can see, facing a False Report to a Peace Officer conviction can create criminal consequences ranging from probation and the imposition of a fine up to jail time required to be served in the Tarrant County jail. If you are facing a False Report to a Peace Officer charge in Tarrant County, it is extremely important to seek counsel from an experienced Fort Worth criminal attorney. At The Hampton Law Firm, my years of experience as a former Tarrant County Prosecutor and experienced criminal defense lawyer will give you the edge you need to keep you out of jail and to keep this charge off your criminal record. Call The Hampton Law Firm now for a free consultation and an opportunity to speak to me about the facts of your case and the options you have under Texas law. Call Jeff Hampton at The Hampton Law Firm at 817-877-5200. Sec. 37.08. FALSE REPORT TO PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, LAW ENFORCEMENT EMPLOYEE, CORRECTIONS OFFICER, OR JAILER. (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation; or (3) a corrections officer or jailer. (b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure. (c) An offense under this section is a Class B misdemeanor. Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994; Acts 1997, 75th Leg., ch. 925, Sec. 1, eff. Sept. 1, 1997. Amended by: Acts 2011, 82nd Leg., R.S., Ch. 839 (H.B. 3423), Sec. 3, eff. September 1, 2011. Acts 2019, 86th Leg., R.S., Ch. 513 (S.B. 405), Sec. 1, eff. September 1, 2019. Acts 2019, 86th Leg., R.S., Ch. 513 (S.B. 405), Sec. 2, eff. September 1, 2019. Chapter 42 of the Texas Penal Code defines disorderly conduct and other related charges. "False Alarm or Report", as per § 42.06 of the Texas Penal Code, occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance. An offense under this section is a Class A misdemeanor unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, in which event the offense is a state jail felony. Cite this article: FindLaw.com - Texas Penal Code - PENAL § 37.08. False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer, or Jailer - last updated April 14, 2021 | Page 2 Welcome to FindLaw's Cases & Codes, a free source of state and federal court opinions, state laws, and the United States Code. For more information about the legal concepts addressed by these cases and statutes, visit FindLaw's Learn About the Law. Cite this article: FindLaw.com - Texas Penal Code - PENAL § 37.081. False Report Regarding Missing Child or Missing Person - last updated April 14, 2021 | FindLaw Codes may not reflect the most recent version of the law in your jurisdiction. Please verify the status of the code you are researching with the state legislature or via Westlaw before relying on it for your legal needs. The False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee crime in the state of Texas gives police the right to arrest you if they believe you tried to deceive law enforcement by making a false statement about a criminal investigation to a peace officer, federal investigator, or someone authorized by a law enforcement agency to conduct the investigation. Learn more detailed information about the False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee offense below. CRIMINAL DEFENSE ATTORNEY FAQs False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee is classified in the Texas Penal Code under Title 8 "Offenses Against Public Administration", Chapter 37 "Perjury And Other Falsification." What is the current Texas law about False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee? The current Texas law is as follows: 1 (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; or (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. How can I be charged with False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee? You can be charged with False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee if the state's attorneys believe that each of the elements of 37.08(a) as described in the section above have been met. What is the punishment for False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee? A conviction for False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee is punished as a Class B misdemeanor, 2 with a maximum possible fine under Texas state law of up to \$2,000 and jail time of up to 180 days. Learn about the differences between grades of felonies and misdemeanors Legal References: 1 Texas Penal Code §37.08 2 Texas Penal Code §37.08(c) 2019 Not Guilty in Collin County DWI >0.15 2019 Not Guilty in Dallas County Indecency with a Child Oral Argument at the United States Federal 5th Circuit Court of Appeals on Prosecutorial Misconduct Claim arising out of Northern District of Texas 2018 Not Guilty in Martin County Aggravated Assault with a Deadly Weapon on a Peace Officer Not Guilty in 2018 Dallas County DWI Trial Client cleared in Dallas Police Shooting wrongful accusation Federal sentencing results in 10 Year Downward Deviation from Sentencing Guidelines in 2018 Not Guilty Jury Verdict for client originally accused of Intoxication Manslaughter Case Dismissed after picking jury in Aggravated Sexual Assault of Child case in 2017 United States Attorney dismisses case against client charged in El Paso Federal Court with Possession of Child Pornography ALL CHARGES DISMISSED against our client in the Twin Peaks Waco Biker case Client "No-billed" by grand jury investigating shooting death case Coverage of Case Involving Waco teacher sending messages to student Judge returns a Directed Verdict of Acquittal in case involving trainer of professional athletes Rare Not Guilty verdict in Rockwall County DWI 2016 Dismissal of Fort Worth Federal Possession of Obscene Visual Representation of the Sexual Abuse of Children Hill County Money Laundering case Dismissed and civil asset forfeiture assets returned Coverage of teen Lewisville client charged with hit-and-run death Two Montague County Indecency with a Child cases Dismissed

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