

## **BILL ANALYSIS**

H.B. 2573  
By: Johnson  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that it is difficult to prosecute certain kinds of immigration consulting fraud, including the practice of notaries public, or notarios, who take advantage of a misconception some Spanish speakers have that notaries public are licensed to provide legal services. The parties also report that local district, county, and city attorneys would prosecute these offenses if they were provided with the tools to do so. H.B. 2573 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2573 amends the Business & Commerce Code to expand the definition of "false, misleading, or deceptive acts or practices" under the Deceptive Trade Practices-Consumer Protection Act to include using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written material in reference to a person who is not an attorney in order to imply that the person is authorized to practice law. The bill requires three-fourths of any civil penalty awarded by a court in an action prosecuted by a district or county attorney for such a deceptive act to be paid to the county where the court is located. The bill does not require a district or county attorney to obtain the permission of the consumer protection division of the attorney general's office to prosecute such an action if the district or county attorney provides prior written notice to the division.

### **EFFECTIVE DATE**

September 1, 2015.