

SUBJECT: Revising venue and evidentiary rules for certain fraud-related crimes

COMMITTEE: Pensions, Investments and Financial Services — favorable, without amendment

VOTE: 11 ayes — Murphy, Vo, Capriglione, Flynn, Gervin-Hawkins, Gutierrez, Lambert, Leach, Longoria, Stephenson, Wu
0 nays

WITNESSES: For — Jeff Headley, Houston Police Department; Adam Colby, Tyler Police Department (*Registered, but did not testify*: Rita Ostrander, Combined Law Enforcement Associations of Texas; Melodie Durst, Credit Union Coalition of Texas; Ray Hunt, Houston Police Officers Union; Stephen Scurlock, Independent Bankers Association of Texas; Christopher Lutton, San Antonio Police Department; Celeste Embrey, Texas Bankers Association; Jeff Huffman, Texas Credit Union Association; Matt Burgin, Texas Food and Fuel Association; Mike Gomez, Texas Municipal Police Association)
Against — None

BACKGROUND: Some have suggested that current criminal procedure makes it difficult to prosecute card skimming suspects who work in groups and travel to commit their crimes.

DIGEST: HB 2624 would allow credit card or debit card abuse to be prosecuted in any county in which the offense was committed or in the county of residence of any person whose credit card or debit card was unlawfully possessed or used by the defendant.

The bill would establish that in trials for the offenses of forgery, credit card or debit card abuse, or fraudulent use or possession of identifying information the prosecutor would not be required to prove that the defendant committed the act with intent to defraud any particular person. It would be sufficient to prove that the offense was, in its nature,

calculated to injure or defraud any of the persons or entities named in the definition of the offense in the Penal Code.

The bill would take effect September 1, 2019, and would apply only to criminal proceedings that commenced on or after the effective date.