

**SUBJECT:** Adding a presumption for the offense of forgery

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Moody, Bhojani, Bowers, Darby, Harrison  
0 nays  
4 absent — Cook, Leach, C. Morales, Schatzline

**WITNESSES:** For — Phillip Clark, Dallas County District Attorney's Office (*Registered, but did not testify*; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Buddy Mills, Sheriff Association of Texas; John Wilkerson, Texas Municipal Police Association)  
Against — None

**BACKGROUND:** Sec. 32.21 of the Penal Code defines the criminal offense of forgery, including certain presumptions.

**DIGEST:** HB 1910 would add to Sec. 32.21 of the Penal Code a presumption that a person in possession of forged money intended to use its entire value to obtain property or services.  
  
The bill would take effect September 1, 2023 and would only apply to offenses committed on or after the effective date. An offense would be committed before the effective date of this act if any element of the offense occurred before that date.

**SUPPORTERS SAY:** HB 1910 would allow for more effective prosecution of people who committed forgery. Currently, the severity of the penalty for forgery depends on the amount of counterfeit bills being spent when the offender is caught but does not account for other forged money in their possession that is yet to be used. This can result in disparities between the severity of

the crime and the penalty, with some forgers possessing substantial amounts of counterfeit bills only being charged with class C misdemeanors due to the small amount of money they were caught attempting to spend.

HB 1910 would address this issue by allowing prosecutors to contend that the amount of forged money found on the person of an offender indicated their intent to spend it. If a prosecutor was allowed this presumption, the amount could be factored into the penalty ensuring that the sentencing reflected the severity of the crime.

CRITICS  
SAY:

No concerns identified.