

BILL ANALYSIS

Senate Research Center
76R6753 JMC-F

S.B. 46
By: Carona
Criminal Justice
2/18/1999
Committee Report (Amended)

DIGEST

Currently, under Texas law credit card fraud and forgery are criminal offenses, but the behavior leading up to the fraud is not a criminal offense. This bill would create a criminal offense for the fraudulent use or possession of identifying information.

PURPOSE

As proposed, S.B. 46 creates a state jail felony for the fraudulent use or possession of identifying information.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 32D, Penal Code, by adding Section 32.51, as follows:

Sec. 32.51. FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION. Defines "identifying information" and "telecommunication access device." Creates a state jail felony offense if a person obtains, possesses, transfers, or uses identifying information of another person without the other person's consent and with intent to harm or defraud another. Authorizes a court to include in restitution to a victim any lost income or other expense, other than attorney's fees, incurred as a result of the offense. Authorizes the prosecution of an offender under this section or any other applicable law.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 32.51, Penal Code, by adding Subsection (e), to authorize the prosecution of an offender under this section or any other applicable law.