

## **BILL ANALYSIS**

Senate Research Center  
86R11127 ADM-D

H.B. 2624  
By: Perez et al. (Zaffirini)  
Criminal Justice  
5/6/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been noted that certain perpetrators of credit card or debit card abuse work in groups and may travel to commit their crimes and that the card account holders may be in a different state or county. H.B. 2624 seeks to address this issue by authorizing the prosecution of credit card or debit card abuse offenses in any county where the offense was committed or in the county where the victim resides and by including these offenses and certain other fraud-related offenses in the scope of provisions regarding proof of intent to defraud.

H.B. 2624 amends current law relating to the prosecution of certain criminal offenses involving fraud.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.291, as follows:

Art. 13.291. CREDIT CARD OR DEBIT CARD ABUSE. Authorizes an offense under Section 32.31 (Credit Card or Debit Card Abuse), Penal Code, to be prosecuted in any county in which the offense was committed or in the county of residence for any person whose credit card or debit card was unlawfully possessed or used by the defendant.

SECTION 2. Amends Article 38.19, Code of Criminal Procedure, as follows:

Art. 38.19. New heading: INTENT TO DEFRAUD: CERTAIN OFFENSES. (a) Provides that this article applies to the trial of an offense under any of the following sections of the Penal Code:

- (1) Section 32.21 (Forgery);
- (2) Section 32.31 (Credit Card or Debit Card Abuse); or
- (3) Section 32.51 (Fraudulent Use or Possession of Identifying Information).

(b) Provides that, in the trial of an offense to which this article applies, the attorney representing the state is not required to prove that the defendant committed the act with intent to defraud any particular person, rather than providing that, in trials of forgery, it need not be proved that the defendant committed the act with intent to defraud any particular person. Provides that it is sufficient to prove that the offense was, in its nature, calculated to injure or defraud any of the sovereignties, bodies corporate or politic, officers or persons, named in the definition of the offense in the Penal Code, rather than requiring that it be sufficient to prove that the forgery was, in its nature, calculated to injure or defraud any of the sovereignties, bodies corporate or politic, officers or persons, named in the definition of forgery in the Penal Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.