

BILL ANALYSIS

Senate Research Center
88R1145 ADM-D

H.B. 1910
By: Anchía (Johnson)
Criminal Justice
4/28/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to Section 32.21 of the Penal Code, forgery is the act of creating any fraudulent writing made to obtain or attempt to obtain a property or service. This can include false money, coins, tokens, stamps, seals, credit cards, badges, and trademarks.

The criminal offense structure for forgery is based on the value of the property or service obtained or attempted to obtain, not the amount of forged writing created. For example, the offense for purchasing a pair of shoes with a forged \$50 bill would be a class C misdemeanor. Even if the offender were carrying \$50,000 in forged bills, they would only be able to be charged for the \$50 they used.

Forgers almost always create sums of money much greater than the amount they use. Even if they do not use it themselves, these forged bills, checks, coins, etc. can make their way into the currency exchange and pollute our economy.

H.B. 1910 ameliorates this by codifying a presumption of intent to use forged money in Section 32.21. By doing so, justice is upheld by holding forgers accountable for every cent of forged product.

Key Provisions:

- H.B. 1910 amends Section 32.21, Penal Code, to clarify that for the purpose of sentencing, "a person in possession of [forged money] intended to obtain a property or service of a value equal to the total purported value of the forged money."

Support:
Dallas County District Attorney's Office

H.B. 1910 amends current law relating to the prosecution of the offense of forgery.

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 Section 32.21, Penal Code, by adding Subsection (f-1), as follows:

(f-1) Provides that it is presumed that a person in possession of money that is forged within the meaning of Subsection (a)(1)(A) (relating to the definition of "forge," including to alter, make, complete, execute, or authenticate any writing so that it purports to certain conditions), for purposes of Subsection (e-1) (relating to providing that conduct is a certain offense if it is shown on the trial of an offense that the actor engaged in the conduct to obtain or attempt to obtain a property or service), intended to obtain a property or service of a value equal to the total purported value of the forged money.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.