

AN ACT

relating to certain fraudulent criminal conduct affecting a financial institution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.21(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a state jail felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument.

SECTION 2. Section 32.31(a)(4), Penal Code, is amended to read as follows:

(4) "Debit card" means an identification card, plate, coupon, book, number, or any other device authorizing a designated person or bearer to communicate a request to an unmanned teller machine or a customer convenience terminal or obtain property or services by debit to an account at a financial institution. The term includes the number or description of the device if the device itself is not produced at the time of ordering or obtaining the benefit.

SECTION 3. Section 32.31(b), Penal Code, is amended to read as follows:

1 (b) A person commits an offense if:

2 (1) with intent to obtain a benefit fraudulently, he
3 presents or uses a credit card or debit card with knowledge that:

4 (A) the card, whether or not expired, has not
5 been issued to him and is not used with the effective consent of the
6 cardholder; or

7 (B) the card has expired or has been revoked or
8 cancelled;

9 (2) with intent to obtain a benefit, he uses a
10 fictitious credit card or debit card or the pretended number or
11 description of a fictitious card;

12 (3) he receives a benefit that he knows has been
13 obtained in violation of this section;

14 (4) he steals a credit card or debit card or, with
15 knowledge that it has been stolen, receives a credit card or debit
16 card with intent to use it, to sell it, or to transfer it to a person
17 other than the issuer or the cardholder;

18 (5) he buys a credit card or debit card from a person
19 who he knows is not the issuer;

20 (6) not being the issuer, he sells a credit card or
21 debit card;

22 (7) he uses or induces the cardholder to use the
23 cardholder's credit card or debit card to obtain property or
24 service for the actor's benefit for which the cardholder is
25 financially unable to pay;

26 (8) not being the cardholder, and without the
27 effective consent of the cardholder, he signs or writes his name or

1 the name of another on a credit card or debit card with intent to use
2 it;

3 (9) he possesses two or more incomplete credit cards
4 or debit cards that have not been issued to him with intent to
5 complete them without the effective consent of the issuer. For
6 purposes of this subdivision, a card is incomplete if part of the
7 matter that an issuer requires to appear on the card before it can
8 be used, other than the signature of the cardholder, has not yet
9 been stamped, embossed, imprinted, or written on it;

10 (10) being authorized by an issuer to furnish goods or
11 services on presentation of a credit card or debit card, he, with
12 intent to defraud the issuer or the cardholder, furnishes goods or
13 services on presentation of a credit card or debit card obtained or
14 retained in violation of this section or a credit card or debit card
15 that is forged, expired, or revoked; or

16 (11) being authorized by an issuer to furnish goods or
17 services on presentation of a credit card or debit card, he, with
18 intent to defraud the issuer or a cardholder, fails to furnish goods
19 or services that he represents in writing to the issuer that he has
20 furnished.

21 SECTION 4. Section 32.51(a)(1), Penal Code, is amended to
22 read as follows:

23 (1) "Identifying information" means information that
24 alone or in conjunction with other information identifies an
25 individual, including an individual's:

26 (A) name, social security number, date of birth,
27 and government-issued identification number;

1 (B) unique biometric data, including the
2 individual's fingerprint, voice print, and retina or iris image;

3 (C) unique electronic identification number,
4 address, and routing code, financial institution account number;
5 and

6 (D) telecommunication identifying information or
7 access device.

8 SECTION 5. (a) This Act takes effect September 1, 2003.

9 (b) The change in law made by this Act applies only to an
10 offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is covered
12 by the law in effect when the offense was committed, and the former
13 law is continued in effect for that purpose. For purposes of this
14 subsection, an offense was committed before the effective date of
15 this Act if any element of the offense was committed before that
16 date.

President of the Senate

Speaker of the House

I certify that H.B. No. 2248 was passed by the House on April 25, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2248 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor