

1-1 By: Denny (Senate Sponsor - Armbrister) H.B. No. 2248  
1-2 (In the Senate - Received from the House April 28, 2003;  
1-3 May 1, 2003, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2003, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain fraudulent criminal conduct affecting a  
1-9 financial institution.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 32.21(d), Penal Code, is amended to read  
1-12 as follows:

1-13 (d) An offense under this section is a state jail felony if  
1-14 the writing is or purports to be a will, codicil, deed, deed of  
1-15 trust, mortgage, security instrument, security agreement, credit  
1-16 card, check, authorization to debit an account at a financial  
1-17 institution, or similar sight order for payment of money, contract,  
1-18 release, or other commercial instrument.

1-19 SECTION 2. Section 32.31(a)(4), Penal Code, is amended to  
1-20 read as follows:

1-21 (4) "Debit card" means an identification card, plate,  
1-22 coupon, book, number, or any other device authorizing a designated  
1-23 person or bearer to communicate a request to an unmanned teller  
1-24 machine or a customer convenience terminal or obtain property or  
1-25 services by debit to an account at a financial institution. The  
1-26 term includes the number or description of the device if the device  
1-27 itself is not produced at the time of ordering or obtaining the  
1-28 benefit.

1-29 SECTION 3. Section 32.31(b), Penal Code, is amended to read  
1-30 as follows:

1-31 (b) A person commits an offense if:

1-32 (1) with intent to obtain a benefit fraudulently, he  
1-33 presents or uses a credit card or debit card with knowledge that:

1-34 (A) the card, whether or not expired, has not  
1-35 been issued to him and is not used with the effective consent of the  
1-36 cardholder; or

1-37 (B) the card has expired or has been revoked or  
1-38 cancelled;

1-39 (2) with intent to obtain a benefit, he uses a  
1-40 fictitious credit card or debit card or the pretended number or  
1-41 description of a fictitious card;

1-42 (3) he receives a benefit that he knows has been  
1-43 obtained in violation of this section;

1-44 (4) he steals a credit card or debit card or, with  
1-45 knowledge that it has been stolen, receives a credit card or debit  
1-46 card with intent to use it, to sell it, or to transfer it to a person  
1-47 other than the issuer or the cardholder;

1-48 (5) he buys a credit card or debit card from a person  
1-49 who he knows is not the issuer;

1-50 (6) not being the issuer, he sells a credit card or  
1-51 debit card;

1-52 (7) he uses or induces the cardholder to use the  
1-53 cardholder's credit card or debit card to obtain property or  
1-54 service for the actor's benefit for which the cardholder is  
1-55 financially unable to pay;

1-56 (8) not being the cardholder, and without the  
1-57 effective consent of the cardholder, he signs or writes his name or  
1-58 the name of another on a credit card or debit card with intent to use  
1-59 it;

1-60 (9) he possesses two or more incomplete credit cards  
1-61 or debit cards that have not been issued to him with intent to  
1-62 complete them without the effective consent of the issuer. For  
1-63 purposes of this subdivision, a card is incomplete if part of the  
1-64 matter that an issuer requires to appear on the card before it can

2-1 be used, other than the signature of the cardholder, has not yet  
2-2 been stamped, embossed, imprinted, or written on it;

2-3 (10) being authorized by an issuer to furnish goods or  
2-4 services on presentation of a credit card or debit card, he, with  
2-5 intent to defraud the issuer or the cardholder, furnishes goods or  
2-6 services on presentation of a credit card or debit card obtained or  
2-7 retained in violation of this section or a credit card or debit card  
2-8 that is forged, expired, or revoked; or

2-9 (11) being authorized by an issuer to furnish goods or  
2-10 services on presentation of a credit card or debit card, he, with  
2-11 intent to defraud the issuer or a cardholder, fails to furnish goods  
2-12 or services that he represents in writing to the issuer that he has  
2-13 furnished.

2-14 SECTION 4. Section 32.51(a)(1), Penal Code, is amended to  
2-15 read as follows:

2-16 (1) "Identifying information" means information that  
2-17 alone or in conjunction with other information identifies an  
2-18 individual, including an individual's:

2-19 (A) name, social security number, date of birth,  
2-20 and government-issued identification number;

2-21 (B) unique biometric data, including the  
2-22 individual's fingerprint, voice print, and retina or iris image;

2-23 (C) unique electronic identification number,  
2-24 address, and routing code, financial institution account number;  
2-25 and

2-26 (D) telecommunication identifying information or  
2-27 access device.

2-28 SECTION 5. (a) This Act takes effect September 1, 2003.

2-29 (b) The change in law made by this Act applies only to an  
2-30 offense committed on or after the effective date of this Act. An  
2-31 offense committed before the effective date of this Act is covered  
2-32 by the law in effect when the offense was committed, and the former  
2-33 law is continued in effect for that purpose. For purposes of this  
2-34 subsection, an offense was committed before the effective date of  
2-35 this Act if any element of the offense was committed before that  
2-36 date.

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