

BILL ANALYSIS

C.S.H.B. 1379
By: Jones of Dallas
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It is not uncommon for businesses that have been the losing party on identify theft fraud cases to create a firewall against the victim of the identity theft by refusing to disclose names, addresses, telephone numbers, or other pertinent investigative information relative to the case out of fear that further disclosure could lead to additional risk of liability on the part of the business.

The committee substitute for House Bill No. 1379 provides an exception from civil liability for sharing such information in the course of an investigation by a law enforcement agency and would thus alleviate the business' fear of cooperating.

Specifically, the committee substitute amends the Civil Practice and Remedies Code in order to exempt from a civil action suit, a communication to a member of a law enforcement agency by a business, or an employee or agent of the business, in an identify theft investigation.

RULEMAKING AUTHORITY

It is the opinion of the Committee on Business and Industry that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION-BY-SECTION ANALYSIS

SECTION 1: Amends Subchapter C, Chapter 18 of the Civil Practice and Remedies Code by adding Section 18.062 thereto to provide that a statement or writing is not admissible in a civil action if the statement or writing is (1) made by a seller of goods or services or the seller's employee or agent to law enforcement personnel in connection with an investigation of an alleged violation by a person other than the seller, employee, or agent of Section 32.51, Penal Code (fraudulent use or possession of identifying information); and (2) offered to prove liability of the seller, employee, or agent for damages arising from the alleged violation.

SECTION 2: States that the changes in the law would only apply to an offense committed after the effective date of the Act.

SECTION 3: Effective date.

EFFECTIVE DATE

September 1, 2005. However, this Act would take effect immediately if it were to receive a vote of at least two-thirds of all the members elected to each house, as provided by Section 39, Article III, of the Texas Constitution.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute for House Bill No. 1379 does not differ in substance from the introduced version of the bill. The substitute merely streamlines the language.