

By: Brown of Kaufman

H.B. No. 500

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of credit card or debit card abuse.

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

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

(b) A person commits an offense if:

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

~~[(A) the card, whether or not expired, has not been issued to him and is not used with the effective consent of the cardholder, or~~

~~[(B) the card has expired or has been revoked or cancelled];~~

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

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

(4) he steals a credit card or debit card or, with knowledge that it has been stolen, receives or possesses a credit card or debit card ~~[with intent to use it, to sell it, or to transfer it to a person other than the issuer or the cardholder];~~

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

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

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

9 (8) not being the cardholder, and without the
10 effective consent of the cardholder, he possesses [~~signs or writes~~
11 ~~his name or the name of another on~~] a credit card or debit card [~~with~~
12 ~~intent to use it~~];

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

20 (10) being authorized by an issuer to furnish goods or
21 services on presentation of a credit card or debit card, he, with
22 intent to defraud the issuer or the cardholder, furnishes goods or
23 services on presentation of a credit card or debit card obtained or
24 retained in violation of this section or a credit card or debit card
25 that is forged, expired, or revoked; or

26 (11) being authorized by an issuer to furnish goods or
27 services on presentation of a credit card or debit card, he, with

1 intent to defraud the issuer or a cardholder, fails to furnish goods
2 or services that he represents in writing to the issuer that he has
3 furnished.

4 SECTION 2. (a) The change in law made by this Act applies
5 only to an offense committed on or after the effective date of this
6 Act. For purposes of this section, an offense is committed before
7 the effective date of this Act if any element of the offense occurs
8 before the effective date.

9 (b) An offense committed before the effective date of this
10 Act is covered by the law in effect when the offense was committed,
11 and the former law is continued in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2005.