

By: Jones of Dallas

H.B. No. 1379

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the admissibility in a civil action of certain
3 information relating to identify theft.

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

5 SECTION 1. Subchapter C, Chapter 18, Civil Practice and
6 Remedies Code, is amended by adding Section 18.062 to read as
7 follows:

8 Sec. 18.062. CERTAIN INFORMATION RELATING TO IDENTITY
9 THEFT. A statement or writing is not admissible in a civil action
10 if the statement or writing is:

11 (1) made by a seller of goods or services or the
12 seller's employee or agent to law enforcement personnel in
13 connection with an investigation of an alleged violation by a
14 person other than the seller, employee, or agent of Section 32.51,
15 Penal Code (fraudulent use or possession of identifying
16 information); and

17 (2) offered to prove liability of the seller,
18 employee, or agent for damages arising from the alleged violation.

19 SECTION 2. The change in law made by this Act applies to the
20 admissibility of information in a proceeding that begins on or
21 after the effective date of this Act. The admissibility of
22 information in a proceeding that begins before the effective date
23 of this Act is governed by the law in effect immediately before the
24 effective date of this Act, and that law is continued in effect for

1 that purpose.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2005.