

By: Jones of Dallas

H.B. No. 1379

Substitute the following for H.B. No. 1379:

By: Bohac

C.S.H.B. No. 1379

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 18.062. CERTAIN INFORMATION RELATING TO IDENTITY THEFT. 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. The change in law made by this Act applies to the admissibility of information in a proceeding that begins on or after the effective date of this Act. The admissibility of information in a proceeding that begins before the effective date of this Act is governed by the law in effect immediately before the 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.