

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) In this section, "communication" means:

10 (1) a statement; or

11 (2) a writing.

12 (b) A court in a civil action may not admit a communication  
13 that:

14 (1) is made by a seller of goods or services, or an  
15 employee or agent of the seller, to a member of a law enforcement  
16 agency regarding an investigation by the law enforcement agency of  
17 an alleged violation of Section 32.51, Penal Code (fraudulent use  
18 or possession of identifying information), by a person other than  
19 the seller or the employee or agent; and

20 (2) is offered to prove liability of the seller or the  
21 employee or agent for damages arising out of the alleged violation.

22 SECTION 2. The change in law made by this Act applies to the  
23 admissibility of information in a proceeding that begins on or  
24 after the effective date of this Act. The admissibility of

1 information in a proceeding that begins before the effective date  
2 of this Act is governed by the law in effect immediately before the  
3 effective date of this Act, and that law is continued in effect for  
4 that purpose.

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