

1-1 By: Jones of Dallas (Senate Sponsor - Deuell) H.B. No. 1379
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Committee on State
1-4 Affairs; May 20, 2005, reported favorably, as amended, by the
1-5 following vote: Yeas 8, Nays 0; May 20, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Armbrister

1-7 Amend H.B. 1379 as follows:

1-8 (1) On page 1, line 28, strike "; and" and substitute "."

1-9 (2) On page 1, lines 29-30, strike "(2) offered to prove
1-10 liability of the seller, employee, or agent for damages arising
1-11 from the alleged violation."

1-12 A BILL TO BE ENTITLED
1-13 AN ACT

1-14 relating to the admissibility in a civil action of certain
1-15 information relating to identify theft.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Subchapter C, Chapter 18, Civil Practice and
1-18 Remedies Code, is amended by adding Section 18.062 to read as
1-19 follows:

1-20 Sec. 18.062. CERTAIN INFORMATION RELATING TO IDENTITY
1-21 THEFT. A statement or writing is not admissible in a civil action
1-22 if the statement or writing is:

1-23 (1) made by a seller of goods or services or the
1-24 seller's employee or agent to law enforcement personnel in
1-25 connection with an investigation of an alleged violation by a
1-26 person other than the seller, employee, or agent of Section 32.51,
1-27 Penal Code (fraudulent use or possession of identifying
1-28 information); and

1-29 (2) offered to prove liability of the seller,
1-30 employee, or agent for damages arising from the alleged violation.

1-31 SECTION 2. The change in law made by this Act applies to the
1-32 admissibility of information in a proceeding that begins on or
1-33 after the effective date of this Act. The admissibility of
1-34 information in a proceeding that begins before the effective date
1-35 of this Act is governed by the law in effect immediately before the
1-36 effective date of this Act, and that law is continued in effect for
1-37 that purpose.

1-38 SECTION 3. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2005.

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