

By: Miller, McCall, Raymond, Truitt, Branch

H.B. No. 1574

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of fraudulent use or possession of a
3 person's identifying information.

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

5 SECTION 1. Section 32.51(a)(1), Penal Code, is amended to
6 read as follows:

7 (1) "Identifying information" means information that
8 alone or in conjunction with other information identifies an
9 individual or a deceased natural person, including an individual's
10 or a deceased natural person's:

11 (A) name and~~[r]~~ social security number, date of
12 birth, or ~~[and]~~ government-issued identification number;

13 (B) unique biometric data, including the
14 individual's fingerprint, voice print, or ~~[and]~~ retina or iris
15 image;

16 (C) unique electronic identification number,
17 address, ~~[and]~~ routing code, or financial institution account
18 number; and

19 (D) telecommunication identifying information or
20 access device.

21 SECTION 2. Section 32.51(b), Penal Code, is amended to read
22 as follows:

23 (b) A person commits an offense if the person, with the
24 intent to harm or defraud another, obtains, possesses, transfers,

1 or uses identifying information of:

2 (1) a deceased natural person, including a stillborn
3 infant or fetus, without legal authorization; or

4 (2) another person without the other person's consent
5 [and with intent to harm or defraud another].

6 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 covered by the law in effect at the time the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense was
13 committed before that date.

14 SECTION 4. This Act takes effect September 1, 2005.