

By: Miller, McCall, Raymond

H.B. No. 1574

Substitute the following for H.B. No. 1574:

By: Keel

C.S.H.B. No. 1574

A BILL TO BE ENTITLED

AN ACT

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

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

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

(1) "Identifying information" means information that alone or in conjunction with other information identifies an individual, including an individual's:

(A) name and ~~and~~ social security number, date of birth, or ~~and~~ government-issued identification number;

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

(C) unique electronic identification number, address, ~~and~~ routing code, or financial institution account number; and

(D) telecommunication identifying information or access device.

SECTION 2. Sections 32.51(b) and (c), Penal Code, are amended to read as follows:

(b) A person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses identifying information of:

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

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

5 (c) An offense under Subsection (b)(1) is a felony of the
6 third degree, and an offense under Subsection (b)(2) [this section]
7 is a state jail felony.

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

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