

By: Miller

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 deceased person's identifying information.

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

5 SECTION 1. Sections 32.51(b) and (c), Penal Code, are
6 amended to read as follows:

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

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

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

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

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 covered by the law in effect at the time the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense was
24 committed before that date.

1 SECTION 3. This Act takes effect September 1, 2005.