

By: Thompson

H.B. No. 2386

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of certain acts that constitute the  
3 unauthorized business of insurance.

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

5 SECTION 1. Section 101.106, Insurance Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) The attorney representing the state is not required to  
8 prove the existence of a culpable mental state in the prosecution of  
9 an offense under this section.

10 SECTION 2. (a) The change in law made by this Act applies  
11 only to the punishment for an offense committed on or after the  
12 effective date of this Act. For purposes of this section, an  
13 offense is committed before the effective date of this Act if any  
14 element of the offense occurs before the effective date.

15 (b) An offense committed before the effective date of this  
16 Act is governed by the law in effect on the date that the offense was  
17 committed, and the former law is continued in effect for this  
18 purpose.

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