

By: Fraser

S.B. No. 781

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

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

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