

1-1 By: Fraser S.B. No. 781
1-2 (In the Senate - Filed February 25, 2005; March 10, 2005,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 11, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 11, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of certain acts that constitute the
1-9 unauthorized business of insurance.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 101.106, Insurance Code, is amended by
1-12 adding Subsection (d) to read as follows:

1-13 (d) The attorney representing the state is not required to
1-14 prove the existence of a culpable mental state in the prosecution of
1-15 an offense under this section.

1-16 SECTION 2. (a) The change in law made by this Act applies
1-17 only to the punishment for an offense committed on or after the
1-18 effective date of this Act. For purposes of this section, an
1-19 offense is committed before the effective date of this Act if any
1-20 element of the offense occurs before the effective date.

1-21 (b) An offense committed before the effective date of this
1-22 Act is governed by the law in effect on the date that the offense was
1-23 committed, and the former law is continued in effect for this
1-24 purpose.

1-25 SECTION 3. This Act takes effect immediately if it receives
1-26 a vote of two-thirds of all the members elected to each house, as
1-27 provided by Section 39, Article III, Texas Constitution. If this
1-28 Act does not receive the vote necessary for immediate effect, this
1-29 Act takes effect September 1, 2005.

1-30 * * * * *