

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 2, 2005**

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1323** by Swinford (Relating to the prosecution of the offense of credit card or debit card abuse.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would create as a Class A misdemeanor the act of possessing a credit card or debit card that is issued to someone other than the person in possession of the card and for which that person does not have the cardholder's permission to have the card. The bill would take effect September 1, 2005 and would apply only to an offense committed on or after that date.

Under current statute, a person who is not the cardholder, and without the effective consent of the cardholder, commits a state jail felony offense if the person signs or writes their name or someone else's name on a credit card or debit card with the intent to use the card. The proposed change in statute would broaden the elements of the offense to possession of a card and would reduce the level of the offense from a state jail felony to a Class A misdemeanor.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, KJG, DLBa