

BILL ANALYSIS

C.S.H.B. 460
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is an offense for a person to possess or use another person's identifying information with the intent to harm or defraud another. However, no such protections exist for the identifying information of a deceased person. This bill makes it an offense to possess or use a deceased person's identifying information for fraudulent purposes. Additionally, current code requires that certain combinations of personal, identifying information must be collected before it is considered a crime. C.S.H.B. 460 amends the current code to make it a crime to hold any single piece of personal, identifying information (i.e. a social security number) with the intent to harm or defraud a person. Because stillborn babies are often issued death certificates containing identifying information, C.S.H.B. 460 also clarifies that fraudulently using identifying information of a stillborn infant is a crime.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute to House Bill 460 amends the Penal Code by clarifying the definition of "identifying information." C.S.H.B. 460 also provides that it is an offense if a person, with the intent to harm or defraud another, obtains, possesses, transfers or uses identifying information of a deceased natural person, including a stillborn infant, without legal authorization.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill made the offense of the fraudulent use or possession of a deceased person's identifying information a third degree felony while the fraudulent use or possession of a living person's identifying information remained a state jail felony. The substitute makes the punishment for both offenses a state jail felony. The substitute also removes the words, "or fetus," from the original bill. Finally, the substitute removed the word "and" in Section 32.51(a)(1)(A), Penal Code, of the original bill to reflect that the possession or use of any single piece of identifying information listed in that section would constitute an offense as described above.