

BILL ANALYSIS

C.S.H.B. 1611
By: Madden
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Daily, criminals seek to defraud lending institutions, governmental entities, businesses and individuals by forging checks. Theft by check should be handled in a similar manner to other property crimes. While current statute mandates that forgery by check qualifies as a state jail felony, this bill would dictate prospectively that punishment levels for the offense of forgery be based on the pecuniary amount.

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

C.S.H.B. 1611 amends the Penal Code to provide that if the writing is or purports to be a check, an offense of forgery is a Class C misdemeanor if the face value of the forged check is less than \$50; a Class B misdemeanor if the face value of the forged check is \$50 or more but less than \$500; a Class A misdemeanor if the face value of the forged check is \$500 or more but less than \$1,500; a state jail felony if the face value of the forged check is \$1,500 or more but less than \$20,000, or the face value of the forged check is less than \$1,500 and the defendant has been previously convicted two or more times of forgery; a felony of the third degree if the face value of the forged check is \$20,000 or more but less than \$100,000; a felony of the second degree if the face value of the forged check is \$100,000 or more but less than \$200,000; or a felony of the first degree if the face value of the forged check is \$200,000 or more.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds a provision to enhance the penalty to a state jail felony if the value of the forged check is less than \$1,500 and the defendant has been previously convicted two or more times of forgery.