

AN ACT

relating to the offenses of fraudulent use or possession of identifying information and of engaging in organized criminal activity.

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

SECTION 1. Section 32.51, Penal Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) A person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses:

(1) identifying information of another person without the other person's consent; or

(2) without legal authorization, information concerning a deceased person that would be identifying information of that person were that person alive ~~[and with intent to harm or defraud another]~~.

(b-1) For the purposes of Subsection (b), the actor is presumed to have the intent to harm or defraud another if the actor possesses:

(1) the identifying information of three or more other persons;

(2) information described by Subsection (b)(2) concerning three or more deceased persons; or

1 (3) information described by Subdivision (1) or (2)
2 concerning three or more persons or deceased persons.

3 (b-2) The presumption established under Subsection (b-1)
4 does not apply to a business or other commercial entity or a
5 government agency that is engaged in a business activity or
6 governmental function that does not violate a penal law of this
7 state.

8 SECTION 2. Section 71.02(a), Penal Code, is amended to read
9 as follows:

10 (a) A person commits an offense if, with the intent to
11 establish, maintain, or participate in a combination or in the
12 profits of a combination or as a member of a criminal street gang,
13 he commits or conspires to commit one or more of the following:

14 (1) murder, capital murder, arson, aggravated
15 robbery, robbery, burglary, theft, aggravated kidnapping,
16 kidnapping, aggravated assault, aggravated sexual assault, sexual
17 assault, forgery, deadly conduct, assault punishable as a Class A
18 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
19 motor vehicle;

20 (2) any gambling offense punishable as a Class A
21 misdemeanor;

22 (3) promotion of prostitution, aggravated promotion
23 of prostitution, or compelling prostitution;

24 (4) unlawful manufacture, transportation, repair, or
25 sale of firearms or prohibited weapons;

26 (5) unlawful manufacture, delivery, dispensation, or
27 distribution of a controlled substance or dangerous drug, or

1 unlawful possession of a controlled substance or dangerous drug
2 through forgery, fraud, misrepresentation, or deception;

3 (6) any unlawful wholesale promotion or possession of
4 any obscene material or obscene device with the intent to wholesale
5 promote the same;

6 (7) any offense under Subchapter B, Chapter 43,
7 depicting or involving conduct by or directed toward a child
8 younger than 18 years of age;

9 (8) any felony offense under Chapter 32;

10 (9) any offense under Chapter 36;

11 (10) any offense under Chapter 34 or 35;

12 (11) any offense under Section 37.11(a); ~~[or]~~

13 (12) any offense under Chapter 20A; or

14 (13) any offense under Section 37.10.

15 SECTION 3. This Act applies only to an offense committed on
16 or after the effective date of this Act. An offense committed
17 before the effective date of this Act is covered by the law in
18 effect at the time the offense was committed, and the former law is
19 continued in effect for that purpose. For the purposes of this
20 section, an offense was committed before the effective date of this
21 Act if any element of the offense was committed before that date.

22 SECTION 4. This Act takes effect September 1, 2007.

H.B. No. 126

President of the Senate

Speaker of the House

I certify that H.B. No. 126 was passed by the House on April 4, 2007, by the following vote: Yeas 144, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 126 on May 17, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 126 on May 26, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 126

I certify that H.B. No. 126 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 126 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor