

By: Delisi, Brown of Kaufman, Bohac H.B. No. 126  
(Senate Sponsor - Seliger)  
(In the Senate - Received from the House April 10, 2007;  
April 11, 2007, read first time and referred to Committee on  
Criminal Justice; May 7, 2007, reported adversely, with favorable  
Committee Substitute by the following vote: Yeas 4, Nays 0;  
May 7, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 126 By: Whitmire

A BILL TO BE ENTITLED  
AN ACT

relating to the offense 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 Subsection (b-1) 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

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

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

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

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

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

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

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

(5) unlawful manufacture, delivery, dispensation, or  
distribution of a controlled substance or dangerous drug, or  
unlawful possession of a controlled substance or dangerous drug  
through forgery, fraud, misrepresentation, or deception;

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

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

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

- 2-1                   (10) any offense under Chapter 34 or 35;
- 2-2                   (11) any offense under Section 37.11(a); [~~or~~]
- 2-3                   (12) any offense under Chapter 20A; or
- 2-4                   (13) any offense under Section 37.10.

2-5                   SECTION 3. This Act applies only to an offense committed on  
2-6 or after the effective date of this Act. An offense committed  
2-7 before the effective date of this Act is covered by the law in  
2-8 effect at the time the offense was committed, and the former law is  
2-9 continued in effect for that purpose. For the purposes of this  
2-10 section, an offense was committed before the effective date of this  
2-11 Act if any element of the offense was committed before that date.

2-12                   SECTION 4. This Act takes effect September 1, 2007.

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