

AN ACT

relating to the offense of fraudulent use or possession of a person's identifying information.

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

SECTION 1. Section 32.51(a)(1), Penal Code, is amended to read as follows:

(1) "Identifying information" means information that alone or in conjunction with other information identifies a person [~~an individual~~], including a person's [~~an individual's~~]:

(A) name and [~~7~~] social security number, date of birth, or [~~and~~] government-issued identification number;

(B) unique biometric data, including the person's [~~individual's~~] fingerprint, voice print, or [~~and~~] retina or iris image;

(C) unique electronic identification number, address, [~~and~~] routing code, or financial institution account number; and

(D) telecommunication identifying information or access device.

SECTION 2. Sections 32.51(b), (c), and (e), Penal Code, are amended 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 an item of identifying information of:

1           (1) a deceased natural person, including a stillborn  
2 infant or fetus, without legal authorization; or

3           (2) another person without the other person's consent  
4 [and with intent to harm or defraud another].

5           (c) An offense under this section is:

6           (1) a state jail felony if the number of items  
7 obtained, possessed, transferred, or used is less than five;

8           (2) a felony of the third degree if the number of items  
9 obtained, possessed, transferred, or used is five or more but less  
10 than 10;

11           (3) a felony of the second degree if the number of  
12 items obtained, possessed, transferred, or used is 10 or more but  
13 less than 50; or

14           (4) a felony of the first degree if the number of items  
15 obtained, possessed, transferred, or used is 50 or more.

16           (e) If conduct that constitutes an offense under this  
17 section also constitutes an offense under any other law, the actor  
18 may be prosecuted under this section, [or] the other law, or both.

19           SECTION 3. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 covered by the law in effect when the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of  
25 this Act if any element of the offense was committed before that  
26 date.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 460 was passed by the House on April 17, 2007, by the following vote: Yeas 137, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 460 on May 25, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 460 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor