

By: Miller

H.B. No. 460

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 (1) "Identifying information" means information that
8 alone or in conjunction with other information identifies an
9 individual, including an individual's:

10 (A) name and ~~and~~ social security number, date of
11 birth, or ~~and~~ government-issued identification number;

12 (B) unique biometric data, including the
13 individual's fingerprint, voice print, or ~~and~~ retina or iris
14 image;

15 (C) unique electronic identification number,
16 address, ~~and~~ routing code, or financial institution account
17 number; and

18 (D) telecommunication identifying information or
19 access device.

20 SECTION 2. Sections 32.51(b) and (c), Penal Code, are
21 amended to read as follows:

22 (b) A person commits an offense if the person, with the
23 intent to harm or defraud another, obtains, possesses, transfers,
24 or uses 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 Subsection (b)(1) is a felony of the
6 third degree, and an offense under Subsection (b)(2) [this section]
7 is a state jail felony.

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect at the time the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

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