

1-1 By: Miller, et al. (Senate Sponsor - Hegar) H.B. No. 460
1-2 (In the Senate - Received from the House April 18, 2007;
1-3 April 19, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 17, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 17, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 460 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the offense of fraudulent use or possession of a
1-11 person's identifying information.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 32.51(a)(1), Penal Code, is amended to
1-14 read as follows:

1-15 (1) "Identifying information" means information that
1-16 alone or in conjunction with other information identifies a person
1-17 ~~[an individual]~~, including a person's ~~[an individual's]~~:

1-18 (A) name ~~and~~^[7] social security number, date of
1-19 birth, or ~~[and]~~ government-issued identification number;

1-20 (B) unique biometric data, including the
1-21 person's ~~[individual's]~~ fingerprint, voice print, or ~~[and]~~ retina
1-22 or iris image;

1-23 (C) unique electronic identification number,
1-24 address, ~~[and]~~ routing code, or financial institution account
1-25 number; and

1-26 (D) telecommunication identifying information or
1-27 access device.

1-28 SECTION 2. Sections 32.51(b), (c), and (e), Penal Code, are
1-29 amended to read as follows:

1-30 (b) A person commits an offense if the person, with the
1-31 intent to harm or defraud another, obtains, possesses, transfers,
1-32 or uses an item of identifying information of:

1-33 (1) a deceased natural person, including a stillborn
1-34 infant or fetus, without legal authorization; or

1-35 (2) another person without the other person's consent
1-36 ~~[and with intent to harm or defraud another].~~

1-37 (c) An offense under this section is:

1-38 (1) a state jail felony if the number of items
1-39 obtained, possessed, transferred, or used is less than five;

1-40 (2) a felony of the third degree if the number of items
1-41 obtained, possessed, transferred, or used is five or more but less
1-42 than 10;

1-43 (3) a felony of the second degree if the number of
1-44 items obtained, possessed, transferred, or used is 10 or more but
1-45 less than 50; or

1-46 (4) a felony of the first degree if the number of items
1-47 obtained, possessed, transferred, or used is 50 or more.

1-48 (e) If conduct that constitutes an offense under this
1-49 section also constitutes an offense under any other law, the actor
1-50 may be prosecuted under this section, ~~[or]~~ the other law, or both.

1-51 SECTION 3. The change in law made by this Act applies only
1-52 to an offense committed on or after the effective date of this Act.
1-53 An offense committed before the effective date of this Act is
1-54 covered by the law in effect when the offense was committed, and the
1-55 former law is continued in effect for that purpose. For purposes of
1-56 this section, an offense was committed before the effective date of
1-57 this Act if any element of the offense was committed before that
1-58 date.

1-59 SECTION 4. This Act takes effect September 1, 2007.

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