

By: Madden

H.B. No. 1611

Substitute the following for H.B. No. 1611:

By: Pena

C.S.H.B. No. 1611

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for the offense of forgery of a writing
3 that is or purports to be a check.

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

5 SECTION 1. Section 32.21, Penal Code, is amended by
6 amending Subsection (d) and adding Subsection (g) to read as
7 follows:

8 (d) An offense under this section is a state jail felony if
9 the writing is or purports to be a will, codicil, deed, deed of
10 trust, mortgage, security instrument, security agreement, credit
11 card, [~~check,~~] authorization to debit an account at a financial
12 institution, or similar sight order for payment of money, contract,
13 release, or other commercial instrument.

14 (g) Notwithstanding Subsection (d), if the writing is or
15 purports to be a check, an offense under this section is:

16 (1) a Class C misdemeanor if the face value of the
17 forged check is less than \$50;

18 (2) a Class B misdemeanor if the face value of the
19 forged check is \$50 or more but less than \$500;

20 (3) a Class A misdemeanor if the face value of the
21 forged check is \$500 or more but less than \$1,500;

22 (4) a state jail felony if:

23 (A) the face value of the forged check is \$1,500
24 or more but less than \$20,000; or

1 (B) the face value of the forged check is less
2 than \$1,500 and the defendant has been previously convicted two or
3 more times of an offense under this section;

4 (5) a felony of the third degree if the face value of
5 the forged check is \$20,000 or more but less than \$100,000;

6 (6) a felony of the second degree if the face value of
7 the forged check is \$100,000 or more but less than \$200,000; or

8 (7) a felony of the first degree if the face value of
9 the forged check is \$200,000 or more.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect when the offense was committed, and
14 the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense was
17 committed before that date.

18 SECTION 3. This Act takes effect September 1, 2007.