

By: Geren

H.B. No. 1640

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of fraudulent use or possession of identifying information.

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)

1 concerning three or more persons or deceased persons.

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

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