

By: Hegar

S.B. No. 788

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment 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(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, social security number, date of birth,
and government-issued identification number;

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

(C) unique electronic identification number,
address, and routing code, 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 obtains,
possesses, transfers, or uses an item of identifying information of
another person without the other person's consent and with intent

1 to harm or defraud another.

2 (c) An offense under this section is:

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

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

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

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

13 (e) If conduct that constitutes an offense under this
14 section also constitutes an offense under any other law, the actor
15 may be prosecuted under this section, [~~or~~ the other law, or both.

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

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