

By: Seliger

S.B. No. 1345

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a criminal offense concerning the making of certain fraudulent claims.

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

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.55 to read as follows:

Sec. 32.55. FRAUDULENT CLAIMS. (a) A person commits an offense if, with the intent to defraud or deceive another and in support of a claim for payment or compensation for bodily injury or property damage, the person:

(1) prepares or causes to be prepared a statement that:

(A) the person knows contains false or misleading material information; and

(B) is presented to another for the purpose of obtaining payment or compensation for bodily injury or property damage; or

(2) presents or causes to be presented to another a statement that the person knows contains false or misleading material information.

(b) A person commits an offense if the person, with the intent to defraud or deceive another, engages in any conduct with the intent to obtain or cause a payment, settlement, or other benefit as compensation for bodily injury or property damage.

1 (c) For purposes of Subsection (a), information is material
2 if the information concerns:

3 (1) the manner in which the bodily injury or property
4 damage arose;

5 (2) whether bodily injury or another condition arose
6 from the event or conduct claimed to cause the bodily injury or
7 other condition;

8 (3) the extent or magnitude of the bodily injury or
9 property damage; or

10 (4) the effects, if any, of the bodily injury or
11 property damage.

12 (d) An offense under Subsection (a) is:

13 (1) a Class C misdemeanor if the value of the claim is
14 less than \$50;

15 (2) a Class B misdemeanor if the value of the claim is
16 \$50 or more but less than \$500;

17 (3) a Class A misdemeanor if the value of the claim is
18 \$500 or more but less than \$1,500;

19 (4) a state jail felony if the value of the claim is
20 \$1,500 or more but less than \$20,000;

21 (5) a felony of the third degree if the value of the
22 claim is \$20,000 or more but less than \$100,000;

23 (6) a felony of the second degree if the value of the
24 claim is \$100,000 or more but less than \$200,000; or

25 (7) a felony of the first degree if:

26 (A) the value of the claim is \$200,000 or more;

27 or

1 (B) an act committed in connection with the
2 commission of the offense places a person at risk of death or
3 serious bodily injury.

4 (e) An offense under Subsection (b) is a state jail felony.

5 (f) The court shall order a defendant convicted of an
6 offense under this section to pay restitution, including court
7 costs and attorney's fees, to an affected person.

8 (g) If conduct that constitutes an offense under this
9 section also constitutes an offense under any other law, the actor
10 may be prosecuted under this section, the other law, or both.

11 (h) For purposes of this section, if the actor proves by a
12 preponderance of the evidence that a portion of the claim for
13 payment or compensation resulted from a valid bodily injury or
14 property damage, the value of the claim is equal to the difference
15 between the total claim amount and the amount of the valid portion
16 of the claim.

17 (i) If it is shown on the trial of an offense under this
18 section that the actor submitted a bill for goods or services in
19 support of a claim for payment or compensation to another, a
20 rebuttable presumption exists that the actor caused the claim for
21 payment to be prepared or presented.

22 SECTION 2. This Act takes effect September 1, 2007.