

House Bill 460
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 an **individual**, including an **individual's**:

(A) name, social security number, date of birth, ~~or~~ **and** government-issued identification number;

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

(C) unique electronic identification number, address, ~~and~~ **and** routing code, or financial institution account number; and

(D) telecommunication identifying information or access device.

SECTION 2. Section 32.51(b), Penal Code, is amended 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 identifying information of:

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

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

SENATE VERSION

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 ~~and~~ **and** social security number, date of birth, ~~or~~ **and** government-issued identification number;

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

(C) unique electronic identification number, address, ~~and~~ **and** routing code, or 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, with the intent to harm or defraud another, obtains, possesses, transfers, or uses **an item of** identifying information of:

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

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

(c) An offense under this section is:

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

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

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

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

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

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect **at the time** the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

Same as House version.