

BILL ANALYSIS

H.B. 2031
By: England
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As time progresses, increasing numbers of rental unit tenants pay rent online with credit cards and the automated clearinghouse (ACH) debit system. The ACH, being an automated electronic system, is treated differently under the law than a signed bank check, and when there is not sufficient money in the account from which the ACH attempts to draw money, there is no penalty under the law.

H.B. 2031 adds the definition of "sight order" to the Penal Code for the purposes of prosecuting certain offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2031 amends the Penal Code to define "sight order," for purposes of prosecuting certain criminal offenses, to mean a written or electronic instruction to pay money that is authorized by the person giving the instruction and that is payable on demand or at a definite time by the person being instructed to pay. The bill specifies that the term includes a check, an electronic debit, or an automatic bank draft.

EFFECTIVE DATE

September 1, 2009.