

## **BILL ANALYSIS**

H.B. 2328  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Texas law allows certain offenses to be tried as the next higher category of offense if it is shown at trial that the offense was committed against an elderly individual, but these offenses do not include forgery, credit and debit card abuse, or fraudulent use of identifying information. This legal situation often results in prosecutors trying offenders under an alternative offense.

H.B. 2328 includes forgery and fraudulent use of identifying information in the offenses that are increased to the next higher category of offense if committed against an elderly individual. The bill increases the penalty for credit or debit card abuse to a third degree felony if the offense is committed against an elderly individual.

### **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. 2328 amends the Penal Code to enhance the penalty for forgery to the next higher category of offense if it is shown at trial that the offense was committed against an elderly individual.

H.B. 2328 enhances the penalty for a credit card or debit card abuse offense from a state jail felony to a third degree felony if it is shown at trial that the offense was committed against an elderly individual.

H.B. 2328 enhances the penalties for the state jail felony, third degree felony, and second degree felony offenses relating to the fraudulent use or possession of identifying information to the next higher category of offense if it is shown at trial that the offense was committed against an elderly individual.

### **EFFECTIVE DATE**

September 1, 2009.