

By: Solomons

H.B. No. 2840

Substitute the following for H.B. No. 2840:

By: Hernandez

C.S.H.B. No. 2840

A BILL TO BE ENTITLED

AN ACT

relating to mortgage fraud; providing a criminal penalty.

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

SECTION 1. Section 402.031(a)(1), Government Code, as added by Chapter 285 (H.B. 716), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(1) "Authorized governmental agency" means:

(A) the attorney general;

(B) a local or state law enforcement agency of this state or a federal law enforcement agency;

(C) a prosecuting attorney of the United States or of a county or judicial district of this state; or

(D) the Department of Public Safety, the Texas Department of Insurance, the Office of Consumer Credit Commissioner, the Texas Department of Banking, the credit union department, the Department of Savings and Mortgage Lending, the Texas Real Estate Commission, ~~or~~ the Texas Appraiser Licensing and Certification Board, or the Texas Department of Housing and Community Affairs.

SECTION 2. Section 402.032(c), Government Code, is amended to read as follows:

(c) The task force consists of the following persons or their appointees:

(1) the attorney general;

- 1 (2) the consumer credit commissioner;
2 (3) the banking commissioner;
3 (4) the credit union commissioner;
4 (5) the commissioner of insurance;
5 (6) the savings and mortgage lending commissioner;
6 (7) the presiding officer of the Texas Real Estate
7 Commission; ~~and~~
8 (8) the presiding officer of the Texas Appraiser
9 Licensing and Certification Board; and
10 (9) a representative of the Texas Department of
11 Housing and Community Affairs.

12 SECTION 3. Section 555.051(a), Government Code, is amended
13 to read as follows:

14 (a) This section applies only to information held by or for
15 the office of the attorney general, the Texas Department of
16 Insurance, the Texas State Board of Public Accountancy, the Public
17 Utility Commission of Texas, the State Securities Board, the
18 Department of Savings and Mortgage Lending, the Texas Real Estate
19 Commission, the Texas Appraiser Licensing and Certification Board,
20 the Texas Department of Banking, the credit union department, ~~or~~
21 the Office of Consumer Credit Commissioner, or the Texas Department
22 of Housing and Community Affairs that relates to the possible
23 commission of corporate fraud or mortgage fraud by a person who is
24 licensed or otherwise regulated by any of those state agencies. In
25 this subsection, "corporate fraud" means a violation of state or
26 federal law or rules relating to fraud committed by a corporation,
27 limited liability company, or registered limited liability

1 partnership or an officer, director, or partner of those entities
2 while acting in a representative capacity.

3 SECTION 4. The heading to Section 32.32, Penal Code, is
4 amended to read as follows:

5 Sec. 32.32. FALSE STATEMENT TO OBTAIN PROPERTY OR CREDIT OR
6 IN THE PROVISION OF CERTAIN SERVICES.

7 SECTION 5. Section 32.32, Penal Code, is amended by adding
8 Subsection (b-1) and amending Subsection (d) to read as follows:

9 (b-1) A person commits an offense if the person
10 intentionally or knowingly makes a materially false or misleading
11 written statement in providing an appraisal of real property for
12 compensation.

13 (d) The following agencies shall assist a prosecuting
14 attorney of the United States or of a county or judicial district of
15 this state, a county or state law enforcement agency of this state,
16 or a federal law enforcement agency in the investigation of an
17 offense under this section involving a mortgage loan:

- 18 (1) the office of the attorney general;
- 19 (2) the Department of Public Safety;
- 20 (3) the Texas Department of Insurance;
- 21 (4) the Office of Consumer Credit Commissioner;
- 22 (5) the Texas Department of Banking;
- 23 (6) the credit union department;
- 24 (7) the Department of Savings and Mortgage Lending;
- 25 (8) the Texas Real Estate Commission; [~~and~~]
- 26 (9) the Texas Appraiser Licensing and Certification
27 Board; and

1 (10) the Texas Department of Housing and Community
2 Affairs.

3 SECTION 6. This Act takes effect September 1, 2009.