

1-1 By: Solomons (Senate Sponsor - Averitt) H.B. No. 2840
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 19, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 19, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to mortgage fraud; providing a criminal penalty.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 402.031(a)(1), Government Code, as added
1-11 by Chapter 285 (H.B. 716), Acts of the 80th Legislature, Regular
1-12 Session, 2007, is amended to read as follows:

1-13 (1) "Authorized governmental agency" means:

1-14 (A) the attorney general;

1-15 (B) a local or state law enforcement agency of
1-16 this state or a federal law enforcement agency;

1-17 (C) a prosecuting attorney of the United States
1-18 or of a county or judicial district of this state; or

1-19 (D) the Department of Public Safety, the Texas
1-20 Department of Insurance, the Office of Consumer Credit
1-21 Commissioner, the Texas Department of Banking, the credit union
1-22 department, the Department of Savings and Mortgage Lending, the
1-23 Texas Real Estate Commission, ~~or~~ the Texas Appraiser Licensing
1-24 and Certification Board, or the Texas Department of Housing and
1-25 Community Affairs.

1-26 SECTION 2. Section 402.032(c), Government Code, is amended
1-27 to read as follows:

1-28 (c) The task force consists of the following persons or
1-29 their appointees:

1-30 (1) the attorney general;

1-31 (2) the consumer credit commissioner;

1-32 (3) the banking commissioner;

1-33 (4) the credit union commissioner;

1-34 (5) the commissioner of insurance;

1-35 (6) the savings and mortgage lending commissioner;

1-36 (7) the presiding officer of the Texas Real Estate
1-37 Commission; ~~and~~

1-38 (8) the presiding officer of the Texas Appraiser
1-39 Licensing and Certification Board; and

1-40 (9) a representative of the Texas Department of
1-41 Housing and Community Affairs.

1-42 SECTION 3. Section 555.051(a), Government Code, is amended
1-43 to read as follows:

1-44 (a) This section applies only to information held by or for
1-45 the office of the attorney general, the Texas Department of
1-46 Insurance, the Texas State Board of Public Accountancy, the Public
1-47 Utility Commission of Texas, the State Securities Board, the
1-48 Department of Savings and Mortgage Lending, the Texas Real Estate
1-49 Commission, the Texas Appraiser Licensing and Certification Board,
1-50 the Texas Department of Banking, the credit union department, ~~or~~
1-51 the Office of Consumer Credit Commissioner, or the Texas Department
1-52 of Housing and Community Affairs that relates to the possible
1-53 commission of corporate fraud or mortgage fraud by a person who is
1-54 licensed or otherwise regulated by any of those state agencies. In
1-55 this subsection, "corporate fraud" means a violation of state or
1-56 federal law or rules relating to fraud committed by a corporation,
1-57 limited liability company, or registered limited liability
1-58 partnership or an officer, director, or partner of those entities
1-59 while acting in a representative capacity.

1-60 SECTION 4. The heading to Section 32.32, Penal Code, is
1-61 amended to read as follows:

1-62 Sec. 32.32. FALSE STATEMENT TO OBTAIN PROPERTY OR CREDIT OR
1-63 IN THE PROVISION OF CERTAIN SERVICES.

1-64 SECTION 5. Section 32.32, Penal Code, is amended by adding

2-1 Subsection (b-1) and amending Subsection (d) to read as follows:

2-2 (b-1) A person commits an offense if the person
2-3 intentionally or knowingly makes a materially false or misleading
2-4 written statement in providing an appraisal of real property for
2-5 compensation.

2-6 (d) The following agencies shall assist a prosecuting
2-7 attorney of the United States or of a county or judicial district of
2-8 this state, a county or state law enforcement agency of this state,
2-9 or a federal law enforcement agency in the investigation of an
2-10 offense under this section involving a mortgage loan:

- 2-11 (1) the office of the attorney general;
- 2-12 (2) the Department of Public Safety;
- 2-13 (3) the Texas Department of Insurance;
- 2-14 (4) the Office of Consumer Credit Commissioner;
- 2-15 (5) the Texas Department of Banking;
- 2-16 (6) the credit union department;
- 2-17 (7) the Department of Savings and Mortgage Lending;
- 2-18 (8) the Texas Real Estate Commission; [~~and~~]
- 2-19 (9) the Texas Appraiser Licensing and Certification

2-20 Board; and
2-21 (10) the Texas Department of Housing and Community
2-22 Affairs.

2-23 SECTION 6. This Act takes effect September 1, 2009.

2-24 * * * * *