

BILL ANALYSIS

H.B. 152
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In a recent year, a national consumer organization released a list revealing some of the most commonly used scams linked to the recession in that year. Fake checks claimed the top spot on the list, with an substantial percentage of the scams reported in that year. Currently, certain prosecutors are authorized to collect a fee for collection and processing of a check or similar sight order that has been forged or has been issued or passed in a manner that constitutes an offense under certain laws. However, interested parties contend that the current fees are not adequately deterring individuals who choose to participate in check fraud.

H.B. 152 seeks to establish a sufficient deterrent to these crimes and reduce the number of fake checks that are tendered by increasing the fees collected on certain fraudulent checks and sight orders.

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. 152 amends the Code of Criminal Procedure to raise from \$10 to \$20, \$15 to \$30, \$30 to \$55, and \$50 to \$100 the cap on the fee collected by a county attorney, district attorney, or criminal district attorney for checks or sight orders with face amounts that do not exceed \$10, \$100, \$300, and \$500, respectively, if the check or similar sight order has been forged or issued or passed in a manner that makes the issuance or passing an offense under laws relating to theft, theft of service, or issuance of a bad check. The bill raises from \$75 to \$150 the cap on such a fee for a check or sight order with a face amount greater than \$500 and sets the maximum face amount for that check or sight order at \$1,000. The bill establishes the following collection and processing fee caps: \$350 if the face amount of the check or sight order is greater than \$1,000 but does not exceed \$5,000; \$475 if the face amount is greater than \$5,000 but does not exceed \$10,000; \$675 if the face amount is greater than \$10,000 but does not exceed \$30,000; \$800 if the face amount is greater than \$30,000 but does not exceed \$50,000; and \$1,000 if the face amount is greater than \$50,000.

H.B. 152 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2011.