

BILL ANALYSIS

H.B. 385
By: Menendez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the penalties for crimes such as theft, securing execution of a document, misapplication of fiduciary property, forgery, credit card abuse, and fraudulent use or possession of identifying information are enhanced if the crime is committed against an elderly individual but not if committed against a disabled individual. H.B. 385 seeks to provide disabled Texans the same level of protection as the elderly regarding certain theft and fraud crimes and to more appropriately punish persons who commit these crimes.

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. 385 amends the Penal Code to enhance the penalty for the following offenses to that of the next higher category of offense if it is shown at trial that the offense was committed against a disabled individual: forgery, misapplication of fiduciary property or property of financial institution, securing execution of document by deception, or fraudulent use or possession of identifying information. The bill enhances the penalty for theft to that of the next higher category of offense if it is shown at trial that the owner of the property appropriated was at the time of the offense a disabled individual. The bill enhances the penalty for credit card or debit card abuse from a state jail felony to a third degree felony if it is shown at trial that the offense was committed against a disabled individual. The bill provides for the meaning of "disabled individual" by reference.

EFFECTIVE DATE

September 1, 2011.