

## **BILL ANALYSIS**

H.B. 1343  
By: Carter  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

A number of cases involving fraudulent transactions in real estate occur in areas outside of major cities, but the fraudulent documents used in the commission of the offense are often created and executed at offices in the nearest major city. Because the contract for a mortgage on a property in a rural county is often signed in a city in another county, the prosecution of a mortgage fraud offense may involve property not within the jurisdiction of the county where the prosecution is instituted. Currently, the prosecution of mortgage fraud may only take place in the jurisdiction where the fraud was actually committed, which would be the county of the city or town where the contract was signed.

This situation negatively impacts the neighborhood and area surrounding the property in question because that community does not get to play a role in bringing the criminal to justice. The venue restriction on the prosecution of a mortgage fraud offense has also led to a disproportionate responsibility for mortgage fraud investigations and prosecutions on the largest cities in Texas even though many of these cases involve property located outside the limits of those cities. This results in an enormous caseload, a backlog of cases, and the inability to bring justice within a reasonable amount of time.

H.B. 1343 seeks to alleviate the problem by allowing cases of mortgage fraud to be prosecuted in either the county where any part of the fraudulent transaction occurred or in the county where the property is located.

### **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. 1343 amends the Code of Criminal Procedure to authorize the venue of the prosecution of any criminal fraud offense that involves a real estate transaction to be in the county where the property is located or in any county in which part of the transaction occurred, including the generation of documentation supporting the transaction. The bill authorizes the venue of the prosecution of an offense of securing execution of a document by deception, an offense of simulating legal process, or an offense of refusal to execute release of a fraudulent lien or claim, that involves a real estate transaction, in addition to those counties, to be prosecuted in the county from which any material document was sent or in the county in which the document was delivered. The bill defines "real estate transaction" for purposes of its provisions.

### **EFFECTIVE DATE**

September 1, 2011.