

By: Geren

H.B. No. 1242

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain metal dealers; providing
3 criminal penalties.

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

5 SECTION 1. Section 1956.001(8), Occupations Code, is
6 amended to read as follows:

7 (8) "Personal identification document" means:

8 (A) a valid driver's license issued by a state in
9 the United States;

10 (B) a United States military identification
11 card; ~~or~~

12 (C) a personal identification certificate issued
13 by the department under Section 521.101, Transportation Code, or a
14 corresponding card or certificate issued by another state;

15 (D) a passport; or

16 (E) documentation issued by the United States
17 agency responsible for citizenship and immigration that authorizes
18 the person to be in the United States.

19 SECTION 2. Section 1956.062, Occupations Code, is amended
20 by amending Subsection (c) and adding Subsection (c-1) to read as
21 follows:

22 (c) The dealer shall:

23 (1) record the identification [~~proposed seller's~~
24 ~~driver's license~~] number [~~or department personal identification~~

1 ~~certificate number on physical presentation]~~ of the seller's
2 personal identification document;

3 (2) visually verify the accuracy of the seller's
4 personal identification document and make a copy of the document;
5 and

6 (3) obtain a digital or video photograph that
7 accurately depicts each item of crafted precious metal purchased
8 [~~license or personal identification certificate by the seller~~].

9 (c-1) The copy of the document and photograph described by
10 Subsection (c) [~~record~~] must accompany the list.

11 SECTION 3. Subchapter B, Chapter 1956, Occupations Code, is
12 amended by adding Section 1956.0631 to read as follows:

13 Sec. 1956.0631. PAYMENT FOR CRAFTED PRECIOUS METAL
14 PURCHASED. A dealer may pay for a purchase of crafted precious
15 metal only by check. The names of the dealer and seller must be
16 printed on the check.

17 SECTION 4. Section 1956.064, Occupations Code, is amended
18 to read as follows:

19 Sec. 1956.064. REQUIRED RETENTION OF CRAFTED PRECIOUS
20 METAL. (a) A dealer may not melt, deface, alter, or dispose of
21 crafted precious metal that is the subject of a report required by
22 this subchapter before the 21st [~~11th~~] day after the date the report
23 is filed unless:

24 (1) the peace officer to whom the report is submitted,
25 for good cause, authorizes disposition of the metal; or

26 (2) [~~the dealer obtains the name, address, and~~
27 ~~description of the buyer and retains a record of that information;~~

1 ~~or~~

2 ~~[(3)]~~ the dealer is a pawnbroker and the disposition
3 is the redemption of pledged property by the pledgor.

4 (b) A peace officer who has reasonable suspicion to believe
5 that an item of crafted precious metal in the possession of a dealer
6 is stolen may place the item on hold by issuing to the dealer a
7 written notice that:

8 (1) specifically identifies the item alleged to be
9 stolen and subject to the hold; and

10 (2) informs the dealer of the requirements of
11 Subsection (c).

12 (c) On receiving the notice, the dealer may not melt,
13 deface, alter, or dispose of the identified crafted precious metal
14 until the hold is released in writing by a peace officer of this
15 state or a court order. ~~[A dealer who retains information under~~
16 ~~Subsection (a)(2) shall make that information available for~~
17 ~~inspection by any peace officer.]~~

18 SECTION 5. Section 1956.069(a), Occupations Code, is
19 amended to read as follows:

20 (a) A dealer commits an offense if the dealer:

21 (1) fails to make or permit inspection of a report as
22 required by Section 1956.062 or 1956.063;

23 (2) violates ~~[disposes of crafted precious metal or~~
24 ~~fails to make a record available for inspection by a peace officer~~
25 ~~as required by]~~ Section 1956.0631 or 1956.064;

26 (3) fails to obtain or retain a statement as required
27 by Section 1956.066;

1 (4) fails to file a registration statement as required
2 by Section 1956.067; or

3 (5) purchases an object in violation of Section
4 1956.068.

5 SECTION 6. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 7. This Act takes effect September 1, 2011.