

BILL ANALYSIS

H.B. 1540
By: Pitts
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that current law addresses the issue of "hot checks," or paper transactions, but does not adequately address insufficiently funded electronic funds transfers, or "hot drafts." As a consequence, district and county attorneys lack the authority to file charges against individuals or corporations that submit insufficiently funded accounts for electronic funds transfers. The parties assert that bringing Texas statutes up to date with modern methods of payment will provide adequate tools for prosecuting individuals who engage in fraudulent electronic payment activities. To address these issues, H.B. 1540 updates current law relating to the prosecution of certain criminal offenses involving theft or fraud or other deceptive practices.

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. 1540 amends the Penal Code, Business & Commerce Code, Code of Criminal Procedure, Government Code, and Tax Code to change references to a check, and to a check or similar sight order, to references to a payment device in provisions relating to the prosecution of certain criminal offenses involving theft or fraud or other deceptive practices. The bill makes a technical correction.

EFFECTIVE DATE

September 1, 2013.