

By: Huffman

S.B. No. 1700

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of crafted precious metal dealers;
3 creating a criminal offense.

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 (3) obtain a digital photograph that accurately
6 depicts each item of crafted precious metal purchased; and

7 (4) obtain a digital photograph that accurately
8 depicts [~~license or personal identification certificate by]~~ the
9 seller.

10 (c-1) The copy of the seller's personal identification
11 document and the photographs described by Subsections (c)(3) and
12 (4) [~~record~~] must accompany the list.

13 SECTION 3. Section 1956.064(a), Occupations Code, is
14 amended to read as follows:

15 (a) A dealer may not melt, deface, alter, or dispose of
16 crafted precious metal that is the subject of a report required by
17 this subchapter before the 11th day after the date the report is
18 filed unless:

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

21 (2) [~~the dealer obtains the name, address, and~~
22 ~~description of the buyer and retains a record of that information,~~
23 ~~or~~

24 [~~3~~] the dealer is a pawnbroker and the disposition
25 is the redemption of pledged property by the pledgor.

26 SECTION 4. Section 1956.066, Occupations Code, is amended
27 to read as follows:

1 Sec. 1956.066. PURCHASE FROM MINOR PROHIBITED. [~~(a)~~] A
2 dealer may not purchase crafted precious metal from a person
3 younger than 18 years of age [~~unless the seller delivers to the~~
4 ~~dealer before the purchase a written statement from the seller's~~
5 ~~parent or legal guardian consenting to the transaction~~].

6 [~~(b)~~] ~~The dealer shall retain the statement with the records~~
7 ~~required to be kept under this subchapter. The dealer may destroy~~
8 ~~the statement after the later of:~~

9 [~~(1)~~] ~~the date the item is sold; or~~

10 [~~(2)~~] ~~the first anniversary of the date the dealer~~
11 ~~purchased the item.~~

12 SECTION 5. Section 1956.069, Occupations Code, is amended
13 to read as follows:

14 Sec. 1956.069. CRIMINAL PENALTY. (a) A person commits an
15 offense if the person:

16 (1) [~~fails to make or permit inspection of a report as~~
17 ~~required by Section 1956.062 or 1956.063,~~

18 [~~(2)~~] violates Section 1956.0612, 1956.062, 1956.063,
19 [~~or~~] 1956.064, or 1956.065;

20 (2) [~~(3)~~] ~~fails to obtain or retain a statement as~~
21 ~~required by Section 1956.066,~~

22 [~~(4)~~] fails to file a registration statement as
23 required by Section 1956.067; or

24 (3) [~~(5)~~] purchases an object in violation of Section
25 1956.066 or 1956.068.

26 (b) An offense under this section is a Class B misdemeanor,
27 except that the offense is:

1 (1) a Class A misdemeanor if it is shown on the trial
2 of the offense that the defendant has been previously convicted of
3 an offense under this section; and

4 (2) a state jail felony if it is shown on the trial of
5 the offense that the defendant has previously been convicted two or
6 more times of an offense under this section.

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

14 SECTION 7. (a) Except as provided by Subsection (b) of this
15 section, this Act takes effect September 1, 2015.

16 (b) Section [1956.069](#), Occupations Code, as amended by this
17 Act, takes effect December 1, 2015.