

By: Burton

S.B. No. 1824

A BILL TO BE ENTITLED

AN ACT

relating to punishment for the offense of forgery and to a fee imposed on certain defendants who commit the offense.

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

SECTION 1. Section 32.21, Penal Code, is amended by amending Subsections (d), (e), and (e-1) and adding Subsections (e-2) and (g) to read as follows:

(d) Subject to Subsection (e-1), an [An] offense under this section is a state jail felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument.

(e) Subject to Subsection (e-1), an [An] offense under this section is a felony of the third degree if the writing is or purports to be:

(1) part of an issue of money, securities, postage or revenue stamps;

(2) a government record listed in Section 37.01(2)(C);
or

(3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or

1 claims against another person.

2 (e-1) If it is shown on the trial of an offense under this
3 section that the actor engaged in the conduct to obtain or attempt
4 to obtain a property or service, an offense under this section is:

5 (1) a Class C misdemeanor if the value of the property
6 or service is less than \$100;

7 (2) a Class B misdemeanor if the value of the property
8 or service is \$100 or more but less than \$750;

9 (3) a Class A misdemeanor if the value of the property
10 or service is \$750 or more but less than \$2,500;

11 (4) a state jail felony if the value of the property or
12 service is \$2,500 or more but less than \$30,000;

13 (5) a felony of the third degree if the value of the
14 property or service is \$30,000 or more but less than \$150,000;

15 (6) a felony of the second degree if the value of the
16 property or service is \$150,000 or more but less than \$300,000; and

17 (7) a felony of the first degree if the value of the
18 property or service is \$300,000 or more.

19 (e-2) Notwithstanding any other provision of this section,
20 an [An] offense under this section, other than an offense described
21 for purposes of punishment by Subsection (e-1)(7), is increased to
22 the next higher category of offense if it is shown on the trial of
23 the offense that the offense was committed against an elderly
24 individual as defined by Section 22.04.

25 (g) If conduct that constitutes an offense under this
26 section also constitutes an offense under any other law, the actor
27 may be prosecuted under this section or the other law.

1 SECTION 2. Article 102.0071, Code of Criminal Procedure, is
2 amended to read as follows:

3 Art. 102.0071. JUSTICE COURT DISHONORED CHECK OR SIMILAR
4 SIGHT ORDER. On conviction in justice court of an offense under
5 Section 32.41, Penal Code, or an offense under Section 31.03, ~~[or]~~
6 31.04, or 32.21, Penal Code, in which it is shown that the defendant
7 committed the offense by issuing, ~~[or]~~ passing, or forging a check
8 or similar sight order, as defined by Section 1.07, Penal Code, that
9 was subsequently dishonored, the court may collect from the
10 defendant and pay to the holder of the check or order the fee
11 permitted by Section 3.506, Business & Commerce Code.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect when the offense was committed, and
16 the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2017.