



19 APR -1 AM 8:51

HOUSE OF REPRESENTATIVES

A. D. Wells

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1442 (house committee printing) on page
2 34, between lines 26 and 27, by inserting the following
3 appropriately numbered SECTION and renumbering the subsequent
4 SECTIONS accordingly:

5 SECTION _____. Chapter 393, Finance Code, is amended by
6 adding Subchapter E-1 to read as follows:

7 SUBCHAPTER E-1. CRIMINAL CHARGES AGAINST CONSUMER

8 Sec. 393.421. CRIMINAL CHARGE AGAINST CONSUMER. (a) A
9 credit services organization or a representative or assignee of a
10 credit services organization may not, unless the credit services
11 organization or representative or assignee of the credit services
12 organization has evidence sufficient to prove that the consumer has
13 committed an offense under Section 31.03, 31.04, or 32.41, Penal
14 Code:

15 (1) file a criminal complaint or threaten to file a
16 criminal complaint related to an extension of consumer credit or
17 provision of credit services against the consumer for an offense
18 under Section 31.03, 31.04, or 32.41, Penal Code; or

19 (2) refer or threaten to refer a consumer to a
20 prosecutor under Article 102.007, Code of Criminal Procedure, for
21 the collection and processing of a check or similar sight order that
22 was issued in relation to an extension of consumer credit or
23 provision of credit services.

24 (b) For purposes of this section, evidence of a denied or
25 returned payment due to insufficient funds or account closure is
26 not evidence of an offense under Section 31.03, 31.04, or 32.41,
27 Penal Code, and the presumptions provided by Sections 31.06(a) and
28 32.41(b), Penal Code, do not apply.