

By: Perez

H.B. No. 2624

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain criminal offenses involving fraud.

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

SECTION 1. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.291 to read as follows:

Art. 13.291. CREDIT CARD OR DEBIT CARD ABUSE. An offense under Section 32.31, Penal Code, may be prosecuted in any county in which the offense was committed or in the county of residence for any person whose credit card or debit card was unlawfully possessed or used by the defendant.

SECTION 2. Article 38.19, Code of Criminal Procedure, is amended to read as follows:

Art. 38.19. INTENT TO DEFRAUD: CERTAIN OFFENSES [~~IN FORGERY~~]. (a) This article applies to the trial of an offense under any of the following sections of the Penal Code:

(1) Section 32.21 (Forgery);

(2) Section 32.31 (Credit Card or Debit Card Abuse);

or

(3) Section 32.51 (Fraudulent Use or Possession of Identifying Information).

(b) In the trial [trials] of an offense to which this article applies [forgery], the attorney representing the state is not required to prove [it need not be proved] that the defendant

1 committed the act with intent to defraud any particular person. It
2 is [~~shall be~~] sufficient to prove that the offense [~~forgery~~] was, in
3 its nature, calculated to injure or defraud any of the
4 sovereignties, bodies corporate or politic, officers or persons,
5 named in the definition of the offense [~~forgery~~] in the Penal Code.

6 SECTION 3. The change in law made by this Act applies only
7 to a criminal proceeding that commences on or after the effective
8 date of this Act. A criminal proceeding that commenced before the
9 effective date of this Act is governed by the law in effect on the
10 date the proceeding commenced, and the former law is continued in
11 effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2019.