

## **BILL ANALYSIS**

Senate Research Center  
87R20264 JRR-D

H.B. 1400  
By: Swanson et al. (Bettencourt)  
Criminal Justice  
5/20/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

To legally operate as a private investigator in Texas, one must obtain a license from the Department of Public Safety. These private investigators deal with personal and highly sensitive and emotional matters that could drastically affect their clients' lives. While information acquired by unlicensed investigators can be thrown out in court, there are those who suggest this is not sufficient to safeguard the interests of individuals who fall victim to someone impersonating a private investigator and that penalties are needed to discourage unlicensed investigators from defrauding clients. H.B. 1400 seeks to prevent the use of the title of private investigator to manipulate vulnerable individuals by creating the offense of impersonating a private investigator.

H.B. 1400 amends current law relating to the creation of the criminal offense of impersonating a private investigator.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter P, Chapter 1702, Occupations Code, by adding Section 1702.3876, as follows:

Sec. 1702.3876. IMPERSONATING PRIVATE INVESTIGATOR; OFFENSE.

(a) Provides that a person commits an offense if the person:

- (1) impersonates a private investigator with the intent to induce another to submit to the person's pretended authority or to rely on the person's pretended acts of a private investigator; or
- (2) knowingly purports to exercise any function that requires licensure as a private investigator.

(b) Provides that an offense under Section 1702.3876 is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under Section 1702.3876.

SECTION 2. Effective date: September 1, 2021.