

BILL ANALYSIS

C.S.H.B. 1400
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1400 amends the Occupations Code to create the Class A misdemeanor offense of impersonating a private investigator for a person who does the following:

- 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
- knowingly purports to exercise any function that requires licensure as a private investigator.

The bill enhances the penalty to a third degree felony if it is shown on the trial of the offense that the defendant has previously been convicted of impersonating a private investigator.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1400 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision that did not appear in the original enhancing the penalty for impersonating a private investigator from a Class A misdemeanor to a third degree felony for a previous conviction of the offense.