

BILL ANALYSIS

H.B. 3529
By: Meyer
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the Texas Legislature enacted legislation that aimed to combat what is known as coerced debt by expanding the conduct that constitutes a criminal offense of identity theft to cover instances when a person did not have effective consent. It has been noted that there are now inconsistencies between the civil and criminal definitions of identity theft, thus making it more difficult for victims of coerced debt to have full access to remedies under the law. With the growing importance of credit scores in every area of life, it is critical for the economic security of coerced debt survivors that they are afforded every possible remedy. H.B. 3529 seeks to update state law to bring conduct that constitutes identify theft under the Identity Theft Enforcement and Protection Act more into line with what constitutes a criminal offense of identity theft.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 3529 amends the Business & Commerce Code to expand the circumstances under which a person is prohibited under the Identity Theft Enforcement and Protection Act from obtaining, possessing, transferring, or using personal identifying information of another person with intent to obtain a thing of value in the other person's name to include the person not having that other person's effective consent. The bill establishes that "effective consent" includes consent given by a person legally authorized to act on behalf of the person from whom consent is required. Consent is not effective if it is induced by force, threat, fraud, or coercion or given by a person who is known by the actor to be unable to make reasonable decisions.

EFFECTIVE DATE

September 1, 2021.