By:  Meyer (Senate Sponsor - Zaffirini) H.B. No. 3529

(In the Senate - Received from the House April 27, 2021; May 3, 2021, read first time and referred to Committee on Business & Commerce; May 10, 2021, reported favorably by the following vote: Yeas 7, Nays 0; May 10, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton                      X

Johnson              X

Menéndez             X

Paxton                         X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to consent for the use or possession of personal identifying information under the Identity Theft Enforcement and Protection Act.

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

SECTION 1.  Section 521.051, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  A person may not obtain, possess, transfer, or use personal identifying information of another person without the other person's consent or effective consent and with intent to obtain a good, a service, insurance, an extension of credit, or any other thing of value in the other person's name.

(a-1)  For purposes of this section, "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:

(1)  induced by force, threat, fraud, or coercion; or

(2)  given by a person who by reason of youth, mental illness, or intellectual disability is known by the actor to be unable to make reasonable decisions.

SECTION 2.  Section 521.051, Business & Commerce Code, as amended by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation occurs before the effective date of this Act if any element of the violation occurs before that date. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.

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