

By: Zaffirini

S.B. No. 571

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

14 (a-1) For purposes of this section, "effective consent"
15 includes consent given by a person legally authorized to act on
16 behalf of the person from whom consent is required. Consent is not
17 effective if:

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

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

22 SECTION 2. Section 521.051, Business & Commerce Code, as
23 amended by this Act, applies only to a violation that occurs on or
24 after the effective date of this Act. A violation occurs before the

1 effective date of this Act if any element of the violation occurs
2 before that date. A violation that occurs before the effective date
3 of this Act is governed by the law in effect on the date the
4 violation occurred, and the former law is continued in effect for
5 that purpose.

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