

## **BILL ANALYSIS**

H.B. 1910  
By: Anchía  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texas appellate courts have determined that the current manner of determining the penalty for forgery, the "value ladder," is not discretionary and requires the state to prove that the defendant's purpose in forging the writing was "to obtain or attempt to obtain a property or service" in the amount of the property or service, not the aggregate amount of forged writings in the defendant's possession. It is more appropriate to allow prosecution for the total value of forged writings in a defendant's possession. However, the precedent set by recent appellate court decisions in Texas does not take into account that when a counterfeit bill is passed to obtain services, a defendant typically has more counterfeit bills in their possession. Under interpretation of current law, if the defendant did not pass the other counterfeit bills, law enforcement cannot charge the defendant in proportion to the amount of counterfeit bills seized. H.B. 1910 seeks to rectify this by clarifying that prosecution for forgery is based on the amount of forged writings in the defendant's possession by creating a presumption that a defendant intended to pass all the forged writings in their possession at the time of arrest. This presumption is a common sense approach to what is commonly seen by law enforcement in such cases and would allow for appropriate charges when an offender possesses more counterfeit writings than they attempt to pass.

### **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. 1910 amends Penal Code provisions relating to the prosecution of forgery committed to obtain or attempt to obtain a property or service, which is punished according to a penalty scheme based on the value of the property or service, to establish a presumption that a person in possession of forged money intended to obtain a property or service of a value equal to the total purported value of the forged money, if the money is forged in a way so as to alter, make, complete, execute, or authenticate any writing so that it purports to do the following:

- be the act of another who did not authorize that act;
- have been executed at a time or place or in a numbered sequence other than was in fact the case; or
- be a copy of an original when no such original existed.

The bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

**EFFECTIVE DATE**

September 1, 2023.