

## **BILL ANALYSIS**

H.B. 2087

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Pensions, Investments & Financial Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 86th and 87th Texas Legislatures enacted legislation aimed at combatting card skimmers at gas pumps. Specifically, the 87th Texas Legislature enacted H.B. 2106, which gave the Texas Department of Licensing and Regulation rulemaking authority to prevent card skimmer installations at gas pumps and established the Financial Crimes Intelligence Center to better coordinate law enforcement efforts. In recent years, the use of pulsar manipulation devices at gas pumps has become an increasing issue. Criminals are installing these devices to manipulate the counter in a gas pump so that it no longer accurately measures how much fuel is being dispensed. H.B. 2087 seeks to address this issue by tasking the Financial Crimes Intelligence Center with combatting motor fuel theft and providing assistance to law enforcement and governmental agencies regarding the detection and prevention of motor fuel 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. 2087 amends the Occupations Code to revise provisions governing the financial crimes intelligence center by clarifying and expanding the scope of the center's purposes and duties as follows:

- includes motor fuel theft among the criminal activities that are central to the center's purposes of planning, coordinating, and integrating law enforcement agencies and other governmental agencies and maximizing the ability of those agencies and the Texas Department of Licensing and Regulation (TDLR) to detect, prevent, and respond to the activities;
- requires the center to assist law enforcement agencies, other governmental agencies, financial institutions, credit card issuers, debit card issuers, payment card networks, institutions of higher education, and merchants in their efforts to develop and implement strategies to detect motor fuel manipulation devices, ensure an effective response if such a device is found, and prevent motor fuel theft;
- authorizes the center to provide assistance to a law enforcement or other governmental agency, on request, regarding any matter within the center's expertise;
- authorizes the center to serve as a centralized collection point for information related to motor fuel theft;

- includes among the required contents of the center's annual report an assessment of the current state of motor fuel theft in Texas and a detailed plan of operation for combatting such theft;
- includes conducting public outreach regarding motor fuel theft among the authorized uses of a grant awarded by TDLR to further the center's purposes; and
- clarifies that, for purposes of the center's duties relating to skimmers, skimmers include credit card shimmers.

The bill defines "motor fuel manipulation device" as a mechanism manufactured, assembled, or adapted to manipulate or alter a motor fuel metering device or a motor fuel unattended payment terminal for an unlawful purpose and establishes that "motor fuel theft" means an act that constitutes a Penal Code theft offense and qualifies for an affirmative finding of motor fuel theft under the Code of Criminal Procedure.

#### **EFFECTIVE DATE**

September 1, 2023.