

BILL ANALYSIS

Senate Research Center
88R10875 CJD-F

H.B. 2897
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Businesses and workers alike seek the assistance of local prosecutors' offices to recover money owed to them when they are paid for services performed with a "hot check." In such situations, the person who performs the service must send a notice demanding payment to the person who owes them money before they file a criminal complaint. However, there are conflicting provisions in state law regarding different types of theft by check. These conflicting provisions not only create confusion for victims of crime, but can also frustrate attempts to prosecute these sorts of cases and recover restitution.

H.B. 2897 seeks to make it easier to file a criminal complaint for theft of services cases that involve payment with a hot check by reconciling the notice requirements for establishing theft by check.

H.B. 2897 amends current law relating to the prosecution of the offense of theft of service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.04(c), Penal Code, to require that the notice demanding payment from a person involved in a fictitious form of payment, for purposes of certain subsections, be sent to the actor using the actor's mailing address shown on the rental agreement or service agreement; or records of the person whose service was secured, or if the actor secured performance of service by issuing or passing a check or similar sight order for the payment of money, using the actor's address shown on the check or order or on the records of the bank or other drawee on which the check or order is drawn.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.