

BILL ANALYSIS

H.B. 2897
By: Walle
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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. 2897 amends the Penal Code to expand the types of mailing address to which notice demanding payment must be sent for purposes of establishing the offense of theft of service to include a mailing address shown on:

- the 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 following:
 - the check or order; or
 - the records of the bank or other drawee on which the check or order is drawn.

H.B. 2897 applies only to an offense committed on or after the bill's effective date. The bill 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.