

## **BILL ANALYSIS**

Senate Research Center  
88R13171 MZM-D

H.B. 3852  
By: Perez (Zaffirini)  
Criminal Justice  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 86th Legislature passed H.B. 2624 and H.B. 2625 which helped combat organized financial crimes such as card skimming. These bills authorized an offense of credit card or debit card abuse to be prosecuted in any county in which the offense was committed or in a county where a victim of the offense resides and created the offense of fraudulent use or possession of credit card or debit card information. H.B. 3852 would build upon this work in an effort to better fight credit card and debit card skimming related crimes in Texas by extending that venue flexibility to the offense of fraudulent use or possession of credit or debit card information and including such an offense among the offenses for which intent to defraud any particular person does not need to be proved in the trial of the offense.

H.B. 3852 amends current law relating to the prosecution of the offense of fraudulent use or possession of credit card or debit card information.

### **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 Chapter 13, Code of Criminal Procedure, by adding Article 13.292, as follows:

Art. 13.292. FRAUDULENT USE OR POSSESSION OF CREDIT CARD OR DEBIT CARD INFORMATION. Authorizes an offense under Section 32.315 (Fraudulent Use or Possession of Credit Card or Debit Card Information), Penal Code, to be prosecuted in any county in which the offense was committed or in the county of residence for any person whose credit card or debit card information was unlawfully obtained, possessed, transferred, or used by the defendant.

SECTION 2. Amends Article 38.19(a), Code of Criminal Procedure, to provide that Article 38.19 (Intent to Defraud: Certain Offenses) applies to the trial of an offense under any of certain sections of the Penal Code, including Section 32.315, and to make nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.