

BILL ANALYSIS

H.B. 3852

By: Perez

Pensions, Investments & Financial Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 86th Legislature passed H.B. 2624 and H.B. 2625 to help 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 seeks to 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.

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. 3852 amends the Code of Criminal Procedure to authorize an offense of fraudulent use or possession of credit card or debit card information 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. The bill includes 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. The bill applies only to a criminal proceeding that commences on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.