By:  Perez (Senate Sponsor - Zaffirini) H.B. No. 2087

(In the Senate - Received from the House May 3, 2023; May 4, 2023, read first time and referred to Committee on Criminal Justice; May 19, 2023, reported favorably by the following vote: Yeas 7, Nays 0; May 19, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to the financial crimes intelligence center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 2312.001, Occupations Code, is amended by adding Subdivisions (4-a) and (4-b) and amending Subdivision (5) to read as follows:

(4-a)  "Motor fuel manipulation device" means 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.

(4-b)  "Motor fuel theft" means an act that:

(A)  constitutes an offense under Section 31.03, Penal Code; and

(B)  qualifies for an affirmative finding of motor fuel theft under Article 42.019, Code of Criminal Procedure.

(5)  "Skimmer" means an electronic, mechanical, or other device that may be used to unlawfully intercept electronic communications or data to perpetrate card fraud. The term includes a credit card shimmer.

SECTION 2.  Section 2312.052, Occupations Code, is amended to read as follows:

Sec. 2312.052.  PURPOSES OF CENTER. The purposes of the center are to:

(1)  serve as the state's primary entity for the planning, coordination, and integration of law enforcement agencies and other governmental agencies that respond to criminal activity related to card fraud, including through the use of skimmers, and motor fuel theft; and

(2)  maximize the ability of the department, law enforcement agencies, and other governmental agencies to detect, prevent, and respond to criminal activities related to card fraud and motor fuel theft.

SECTION 3.  Section 2312.054, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsection (b-1) to read as follows:

(b)  The center shall 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:

(1)  detect skimmers and motor fuel manipulation devices;

(2)  ensure an effective response if a skimmer or motor fuel manipulation device is found; and

(3)  prevent card fraud and motor fuel theft.

(b-1)  On request of a law enforcement or other governmental agency, the center may provide assistance to that agency regarding any matter within the center's expertise.

(c)  The center may:

(1)  serve as a centralized collection point for information related to card fraud and motor fuel theft;

(2)  provide training and educational opportunities to law enforcement;

(3)  provide outreach to the public; and

(4)  release information to affected financial institutions, credit card issuers, debit card issuers, payment card networks, institutions of higher education, and merchants if the center does not consider the information to be sensitive to law enforcement.

SECTION 4.  Section 2312.055(b), Occupations Code, is amended to read as follows:

(b)  The report must include:

(1)  a plan of operation for the center and an estimate of the amount of money necessary to implement that plan;

(2)  an assessment of the current state of card fraud and motor fuel theft in this state, including:

(A)  an identification of the geographic locations in this state that have the highest statistical probability for card fraud and motor fuel theft; and

(B)  a summary of card fraud and motor fuel theft statistics for the year in which the report is filed;

(3)  a detailed plan of operation for combatting card fraud and motor fuel theft;

(4)  a communications plan for outreach to law enforcement agencies, financial institutions, credit card issuers, debit card issuers, payment card networks, merchants, and the public; and

(5)  a list of expenditures made since the most recent report was filed with the department.

SECTION 5.  Section 2312.102(b), Occupations Code, is amended to read as follows:

(b)  A grant recipient may use grant money to:

(1)  reduce card fraud by removing skimmers;

(2)  purchase or upgrade fraud deterrence equipment, including unique locking systems, cameras, and lights;

(3)  provide training opportunities regarding skimmers; and

(4)  conduct public outreach regarding card fraud and motor fuel theft.

SECTION 6.  This Act takes effect September 1, 2023.

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