BILL ANALYSIS

H.B. 201
By: Perez, Mary Ann
Pensions, Investments & Financial Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 87th Texas Legislature passed H.B. 2106, which gave the Texas Department of Licensing and Regulation rulemaking authority to prevent card skimmer installations at gas pumps and established the Financial Crimes Intelligence Center (FCIC) to coordinate law enforcement efforts in regard to organized financial crimes. According to the FCIC 2024 Annual Report, the primary attacks on the retail fuel industry occur through gas pump skimming and fuel thefts, often enabled by high tech devices. A 2022 report from the FCIC demonstrated the devices manipulate the gas pumps so that the quantity of fuel being dispensed does not accurately correspond to the dollar amount for the sale, and therefore allow fuel to be obtained for a very low cost. H.B. 201 seeks to protect Texans against these tactics by expanding the scope of the FCIC to include motor fuel theft and to provide assistance within their expertise to law enforcement and governmental agencies regarding the detection and prevention of motor fuel theft.

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. 201 amends the Occupations Code to revise provisions governing the financial crimes intelligence center by clarifying and expanding the scope of the center's purposes and duties as follows:

- includes motor fuel theft among the criminal activities that are central to the center's purposes of planning, coordinating, and integrating law enforcement agencies and other governmental agencies and maximizing the ability of those agencies and the Texas Department of Licensing and Regulation (TDLR) to detect, prevent, and respond to the activities;
- requires the center to 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 detect motor fuel manipulation devices, ensure an effective response if such a device is found, and prevent motor fuel theft;
- authorizes the center to provide assistance to a law enforcement or other governmental agency, on request, regarding any matter within the center's expertise;
- authorizes the center to serve as a centralized collection point for information related to motor fuel theft;

- includes among the required contents of the center's annual report an assessment of the current state of motor fuel theft in Texas, including an identification of the geographic locations in Texas that have the highest statistical probability for motor fuel theft and a summary of motor fuel theft statistics for the year in which the report is filed, and a detailed plan of operation for combatting such theft;
- includes conducting public outreach regarding motor fuel theft among the authorized uses of a grant awarded by TDLR to further the center's purposes; and
- clarifies that, for purposes of provisions relating to the center regarding skimmers, skimmers include credit card shimmers.

The bill defines "motor fuel manipulation device" as 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 and establishes that "motor fuel theft" means an act that constitutes a Penal Code theft offense and qualifies for an affirmative finding of motor fuel theft under the Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2025.