

BILL ANALYSIS

Senate Research Center
89R1102 MZM-D

H.B. 272
By: Perez, Mary Ann (Zaffirini)
State Affairs
5/15/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019 the legislature passed H.B. 2624, which authorized the prosecution of credit card or debit card abuse—defined as the unauthorized use of a physical card or its details (e.g., using a stolen or expired card) to obtain property or services with the intent to defraud—in any county in which the offense occurred or in the county of residence of the victim. What's more, it allows prosecutors to demonstrate intent to defraud any individual or entity, rather than a specific person, facilitating easier prosecution.

Also in 2019, H.B. 2625 criminalized the fraudulent use or possession of credit card or debit card information—when someone illegally uses or possesses card data (such as numbers or digital information) without the cardholder's consent, often through digital means. This statute, however, lacks the same venue and intent flexibility as the card abuse statute, complicating prosecutions.

H.B. 272 would close these gaps by extending the venue flexibility for prosecuting fraudulent use or possession of card information, allowing cases to be prosecuted in any county in which the crime occurred or in which the victim resides, as is allowed for credit card abuse. It also would align the intent requirement for both crimes: while credit card abuse allows prosecutors to demonstrate intent to defraud any individual or entity, fraudulent use or possession of card information currently requires proof of intent to target a specific person. This bill would remove that distinction, providing consistent tools for prosecuting both offenses.

H.B. 272 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 Subchapter F, Chapter 13A, Code of Criminal Procedure, by adding Article 13A.2551, as follows:

Art. 13A.2551. 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, 2025.