

BILL ANALYSIS

S.B. 1379
By: Flores
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that international criminal organizations have caused a significant rise in financial organized crime, operating in increasingly sophisticated fraud schemes. The U.S. Department of the Treasury reports that check fraud has increased 385 percent since the COVID-19 pandemic. The bill sponsor has also informed the committee that the crimes of stealing checks, selling checks on the dark web, and committing forgery on checks to increase the amounts and alter payees are all surging in volume and creating havoc for Texas banks and their customers. S.B. 1379 seeks to restructure the punishment levels based on the type of document forged and the value of any property or service sought by increasing the criminal penalty for forgery from a Class A misdemeanor to a state jail felony and increasing the enhanced penalties for that crime.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

S.B. 1379 amends the Penal Code to increase the base penalty for forgery from a Class A misdemeanor to a state jail felony. Additionally, the bill increases the enhanced penalties for forgery, as follows:

- from a state jail felony to a third degree felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument;
- from a third degree felony to a second degree felony if the writing is or purports to be:
 - part of an issue of money, securities, postage or revenue stamps;
 - a document issued by government, by another state, by the United States, or by a foreign government engaged in a reciprocal treaty or memorandum of understanding with the United States; or
 - other instruments representing interests in or claims against another person; and
- with respect to the penalties for forgery if it is shown on the trial that the actor engaged in the applicable conduct to obtain or attempt to obtain a property or service:
 - from a Class C misdemeanor to a Class B misdemeanor if the value of the property or service is less than \$100;

- from a Class B misdemeanor to a Class A misdemeanor if the value of the property or service is \$100 or more but less than \$750;
- from a Class A misdemeanor to a state jail felony if the value of the property or service is \$750 or more but less than \$2,500;
- from a state jail felony to a third degree felony if the value of the property or service is \$2,500 or more but less than \$30,000; and
- from a third degree felony to a second degree felony if the value of the property or service is \$30,000 or more but less than \$150,000.

The bill revises the penalty applicable if it is shown on the trial that the actor engaged in the applicable conduct to obtain or attempt to obtain a property or service the value of which is \$150,000 or more but less than \$300,000 by increasing the penalty from a second degree felony to a first degree felony and removing the ceiling of \$300,000. Accordingly, the bill removes the provision that establishes that such conduct is a first degree felony if the value of the property or service is \$300,000 or more.

S.B. 1379 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.