

BILL ANALYSIS

Senate Research Center
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S.B. 1379
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Fraud has a significant impact on the lives of Texans, and the institutions that serve them, and costs the state millions of dollars every year. S.B. 1379 focuses on increasing the criminal penalties for forgery by amending Section 32.21 of the Penal Code. The bill is likely to deter forgery by making the consequences more severe, reflecting the seriousness of the crime and its impact on individuals and institutions.

Section by Section Analysis:

Section 1: This section amends various subsections of the Penal Code, specifically Sections 32.21(c), (d), (e), (e-1), and (e-2). The amendments increase the penalties for forgery offenses. For example:

An offense that was previously a Class A misdemeanor is now classified as a state jail felony.

If the writing involved is a will, deed, mortgage, or similar document, the offense is elevated to a third-degree felony.

If the writing is part of an issue of money, securities, or government records, the offense is elevated to a second-degree felony.

The penalties are further increased if the offense was committed against an elderly individual.

Section 2: This section specifies that the changes in law apply only to offenses committed on or after the effective date of the Act. Offenses committed before this date are governed by the law in effect at the time of the offense.

As proposed, S.B. 1379 amends current law relating to increasing the criminal penalties for forgery.

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 Sections 32.21(c), (d), (e), (e-1), and (e-2), Penal Code, as follows:

(c) Provides that, except as provided by Subsections (d), (e), and (e-1), an offense under Section 32.21 (Forgery) is a state jail felony, rather than a Class A misdemeanor.

(d) Provides that, subject to Subsection (e-1), an offense under this section is a felony of the third degree, rather than a state jail 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.

(e) Provides that, subject to Subsection (e-1), an offense under this section is a felony of the second degree, rather than third degree, if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, a certain government record, or other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(e-1) Provides that if it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

(1) a Class B, rather than Class C, misdemeanor if the value of the property or service is less than \$100;

(2) a Class A, rather than Class B, misdemeanor if the value of the property or service is \$100 or more but less than \$750;

(3) a state jail felony, rather than Class A misdemeanor, if the value of the property or service is \$750 or more but less than \$2,500;

(4) a felony of the third degree, rather than a state jail felony, if the value of the property or service is \$2,500 or more but less than \$30,000;

(5) a felony of the second, rather than third, degree if the value of the property or service is \$30,000 or more but less than \$150,000; and

(6) a felony of the first, rather than second, degree if the value of the property or service is \$150,000 or more.

Deletes text of existing Subdivision (7) providing that an offense under this section is a felony of the first degree if the value of the property or service is \$300,000 or more. Makes a nonsubstantive change.

(e-2) Provides that, notwithstanding any other provision of this section, an offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(6), rather than (e-1)(7), is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.