

BILL ANALYSIS

Senate Research Center
76R5302 PEP-F

H.B. 1357
By: Crownover (Fraser)
Economic Development
5/14/1999
Engrossed

DIGEST

Currently, a person can be prosecuted for a state jail felony for writing hot checks which total in the aggregate over \$1500. Many offenders write numerous hot checks for small amounts of money. It is difficult to prosecute these offenders because of the number of witnesses which must be called to testify regarding each check. H.B. 1357 would make passing 10 or more hot checks within a 30-day period a state jail felony.

PURPOSE

As proposed, 1357 creates a state jail felony punishment for passing 10 or more hot checks within a 30-day period a state jail felony.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.03(e), Penal Code, to provide that an offense under this section is a Class B misdemeanor if the actor obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06, and within 30 days of committing the offense, issued nine or more checks or similar sight orders in the same manner, regardless of the value of the property stolen, except as provided by Subsection (f). Makes conforming changes.

SECTION 2. Amends Section 31.04(e), Penal Code, to provide that an offense under this section is a state jail felony, if the actor obtained the service by issuing or passing a check or similar sight order in a manner described by Section 31.06, and within 30 days of committing the offense, issued nine or more checks or similar sight orders in the same manner, regardless of the value of the service stolen. Makes conforming changes.

SECTION 3. Amends Section 31.09, Penal Code, to provide that a defendant is subject to prosecution under Sections 31.03 or 31.04, Penal Code, for passing 10 or more checks or sight orders within a 30-day period and may also be prosecuted for a higher grade offense if the aggregation of amounts warrants such a prosecution. Makes conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.