

BILL ANALYSIS

Senate Research Center
76R538 JMC-F

S.B. 46
By: Carona
Criminal Justice
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As Filed

DIGEST

Currently, under Texas law credit card fraud and forgery are criminal offenses, but the behavior leading up to the fraud is not a criminal offense. This bill would create a criminal offense for the fraudulent use or possession of identifying information.

PURPOSE

As proposed, S.B. 46 creates a state jail felony for the fraudulent use or possession of identifying information.

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 Chapter 32D, Penal Code, by adding Section 32.51, as follows:

Sec. 32.51. FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION. Defines "identifying information" and "telecommunication access device." Creates a state jail felony offense if a person obtains, possesses, transfers, or uses identifying information of another person without the other person's consent and with intent to harm or defraud another. Authorizes a court to include in restitution to a victim any lost income or other expense, other than attorney's fees, incurred as a result of the offense.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.