

## **BILL ANALYSIS**

Senate Research Center  
80R17818 JPL-D

C.S.H.B. 126  
By: Delisi et al. (Seliger)  
Criminal Justice  
5/5/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas law provides penalties for various offenses that are enhanced by one level of severity if the offense was found to have been committed as part of an organized criminal activity. Although forgery is a crime for which the penalty may be enhanced, the crime of tampering with governmental records is not.

C.S.H.B. 126 adds tampering with governmental records as an offense for which the enhanced penalty could be sought if the offense was committed as part of an organized criminal activity. This bill also provides that a person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses information concerning a deceased person that would be identifying information of that person were that person alive.

### **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 Section 32.51, Penal Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that a person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses information concerning a deceased person that would be identifying information of that person were that person alive.

(b-1) Provides that, for the purposes of Subsection (b), the actor is presumed to have the intent to harm or defraud another if the actor possesses certain information.

SECTION 2. Amends Section 71.02(a), Penal Code, to provide that a person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a street gang, the person commits or conspires to commit certain offenses, including any offense under Section 37.10 (Tampering with Governmental Record).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.