

## **BILL ANALYSIS**

Senate Research Center  
80R20408 HLT-D

C.S.H.B. 460  
By: Miller, Aycock (Hegar)  
Criminal Justice  
5/17/2007  
Committee Report (Substituted)

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

Currently, it is an offense for a person to possess or use another person's identifying information with the intent to harm or defraud another. However, no such protections are provided for the use or possession of the identifying information of a deceased person.

C.S.H.B. 460 provides that it is an offense if a person obtains, possesses, transfers, or uses any identifying information of a deceased person with the intent to harm or defraud another.

### **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(a)(1), Penal Code, to redefine "identifying information."

SECTION 2. Amends Section 32.51(b), (c), and (e), Penal Code, 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 an item of identifying information of a deceased natural person, including a stillborn infant, without legal authorization. Makes a conforming deletion.

(c) Provides that an offense under this section is a felony under certain conditions. Sets forth those conditions.

(e) Authorizes the actor to be prosecuted under this section, any other law, or both, if the conduct that constitutes an offense under this section also constitutes an offense under any other law, or both. Makes a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.