

BILL ANALYSIS

Senate Research Center
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H.B. 649
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Children, some of the most vulnerable individuals of our society, are increasingly becoming targets of identity theft. If a parent wants to fraudulently open a credit account in the name of the parent's child, the parent has ready access to the necessary information that credit card companies use to establish accounts, such as the child's Social Security number and birth date. Whether the perpetrator of such a crime is a stranger or a family member, such an offense is likely to go undetected for years until the victimized child applies for a car loan, apartment lease, college financial aid, or a job. Additionally, most lenders require an identity theft victim to file a police report in order to remove fraudulent account records. This could put the victimized child in a difficult situation, since it could lead to the prosecution, conviction, and incarceration of a parent who uses that information illicitly.

H.B. 649 provides that a person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses a child's identifying information.

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(b), Penal Code, to provide that a person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses identifying information of a child younger than 18 years of age. Makes a conforming deletion.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.