

BILL ANALYSIS

Senate Research Center
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S.B. 1345
By: Seliger
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1345 imposes criminal sanctions for presenting a false claim for compensation of bodily injury or property damage with the intent to defraud or deceive another person. This bill applies to fraudulent claims against entities that are self-insured. In addition, this bill closely tracks the existing insurance claims fraud statute with regard to penalties, which range from Class C misdemeanor to a first degree felony depending on the amount of money claimed.

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 Subchapter D, Chapter 32, Penal Code, by adding Section 32.55, as follows:

Sec. 32.55. FRAUDULENT CLAIMS. (a) Provides that a person commits an offense if, with the intent to defraud or deceive another and in support of a claim for payment or compensation for bodily injury or property damage, the person prepares or causes to be prepared a statement that the person knows contains false or misleading material information and is presented to another for the purpose of obtaining payment or compensation for bodily injury or property damage; or presents or causes to be presented to another a statement that the person knows contains false or misleading information.

(b) Provides that a person commits an offense if the person, with the intent to defraud or deceive another, engages in any conduct with the intent to obtain or cause a payment, settlement, or other benefit as compensation for bodily injury or property damage.

(c) Provides that information is considered to be material if it concerns certain information relating to bodily injury or property damage.

(d) Sets forth the classification of an offense under Subsection (a) that is based on the value of the claim.

(e) Provides that an offense under Subsection (b) is a state jail felony.

(f) Requires the court to order a defendant convicted of an offense under this section to pay restitution, including court costs and attorney's fees, to an affected person.

(g) Authorizes an actor to be prosecuted under this section, the other law, or both, if conduct that constitutes an offense under this section constitutes an offense under any other law.

(h) Provides that for purposes of this section, the value of the claim is equal to the difference between the total claim amount and the amount of the valid portion of the claim if the actor proves by a preponderance of the evidence that a portion of

the claim for payment or compensation resulted from a valid bodily injury or property damage.

(i) Provides that a rebuttable presumption exists that the actor caused the claim for payment to be prepared or presented if it is shown on the trial of an offense under this section that the actor submitted a bill for goods or services in support of a claim for payment or compensation to another.

SECTION 2. Effective date: September 1, 2007.