

## **BILL ANALYSIS**

Senate Research Center  
81R3436 SJM-D

H.B. 2031  
By: England (Seliger)  
Criminal Justice  
5/17/2009  
Engrossed

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

An increasing number of rental unit tenants pay their rent online with credit cards and the automated clearinghouse (ACH) debit system. The ACH, being an automated electronic system, is treated differently under the law than a signed bank check, and when there is not sufficient money in the account from which ACH attempts to draw money, there is no penalty under the law. Although Chapter 31 (Theft) and Chapter 32 (Fraud), Penal Code, reference sight orders, there is no definition.

This bill adds the definition of "sight order" to the Penal Code for the purposes of prosecuting these offenses under Chapter 31 and Chapter 32, Penal Code.

H.B. 2031 relates to the definition of sight order for purposes of prosecuting certain criminal offenses.

### **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 1.07(a), Penal Code, by adding Subdivision (46-a), to define "sight order."

SECTION 2. Effective date: September 1, 2009.