

BILL ANALYSIS

Senate Research Center
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H.B. 1529
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A person commits the offense of fraudulent use or possession of identifying information or "ID theft" if the person obtains, possesses, transfers, or uses identifying information of another person without the other person's consent and with the intent to harm or defraud another. Prior to 2007, the meaning of "identifying information" as it relates to ID theft was information that alone or in conjunction with other information identifies an individual, including an individual's name, Social Security number, date of birth, and government-issued identification number. The punishment for this offense was a state jail felony.

In 2007, the legislature changed the offense to include the fraudulent use or possession of a deceased person's or a child's information. Additionally, it amended the definition of "identifying information" to require either a name and date of birth, a name and Social Security number, or a name and government-issued identification number. This change recognized that a name alone is not enough to steal someone's identity, since many individuals have the same name. ID theft, however, is commonly committed solely with a Social Security number or a government-issued identification number, even when not accompanied by the related person's name.

H.B. 1529 ensures that a Social Security number or government-issued identification number constitutes "identifying information" as it relates to ID theft.

H.B. 1529 amends current law relating to the offense of fraudulent use or possession of 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(a)(1), Penal Code, as follows:

- (1) Provides that "identifying information" means information that alone or in conjunction with other information identifies a person, including a person's:
 - (A) name and date of birth, rather than name and social security number, date of birth, or government-issued identification number;
 - (B)-(D) Makes no changes to these paragraphs; and
 - (E) social security number or other government-issued identification number.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.