

## **BILL ANALYSIS**

Senate Research Center

S.B. 1151  
By: Nixon  
Criminal Justice  
3-21-97  
As Filed

### **DIGEST**

Currently, many retail merchants in Texas provide third party check cashing services to members of the workforce who wish to cash their paychecks, rather than using banking services. Occasionally, the merchants have been the victim of bad check writing by employers. Presently, merchants are allowed to press charges relating to the issuance of a bad check; however, current statute prevents the application of other laws, such as theft of service. This legislation makes a person criminally responsible for causing theft of service if the only difference between what occurred and what the person desired or risked is that a different offense was committed, or a different person or property was injured or harmed, in an effort to punish and deter future issuances of bad checks.

### **PURPOSE**

As proposed, S.B. 1151 establishes the prosecution of the offense of theft of service involving a third party holder in due course of a check or similar sight order.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 31.04, Penal Code, by adding Subsection (g), to provide that Section 6.04(b), regarding criminal responsibility for causing a result, applies to conduct described under this section, or theft of service.

SECTION 2. Emergency clause.  
Effective date: upon passage.