

BILL ANALYSIS

Senate Research Center
76R5446 PEP-D

H.B. 2734
By: Cook (Armbrister)
Criminal Justice
5/11/1999
Engrossed

DIGEST

Currently, Texas law only authorizes merchants or district and county attorneys to seek prosecution of persons who secure goods with a promissory note which contains insufficient funds (NSF). In an effort to control these losses and the bank charges incurred through the collection of NSF checks, many merchants use third party companies to verify checks and collect the outstanding debt. These third party companies are not allowed to seek prosecution of persons who write NSF checks. This bill would authorize third parties to seek assistance from the prosecutors in the collection of NSF checks.

PURPOSE

As proposed, H.B. 2734 sets forth a guideline for the filing of an affidavit supporting a criminal charge based on the use 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 Article 21.22, Code of Criminal Procedure, to provide that a credible person on whose affidavit an information charging an offense under Chapter 31 or 32, Penal Code, involving a check or sight order may be presented includes, in addition to the holder of the check or sight order, the holder's assignee, agent or representative, or any other person retained by the holder to seek collection of the check or sight order.

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