

## **BILL ANALYSIS**

Senate Research Center

H.B. 1323  
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Engrossed

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

Under current law, an individual can be prosecuted for theft of a credit card or debit card if it can be proven that the person actually stole a credit card or debit card, had an intent to obtain a benefit, and presents or uses the card with knowledge that he or she did not have the owner's effective consent. Mere possession of a stolen card is not an offense.

With the recent epidemic of methamphetamine abuse, identity theft of this type is becoming increasingly common. Addicts are often found to have numerous stolen credit cards in their possession when they are arrested. Law enforcement's ability to respond to this ever-escalating crisis would be greatly enhanced if the law were amended to state that a person commits an offense if he or she intentionally or knowingly possesses another's credit or debit card without the effective consent of the owner.

H.B. 1323 amends the Penal Code to provide that a person commits an offense if he or she intentionally or knowingly possesses another's credit or debit card without the effective consent of the owner.

### **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 32.31(b), Penal Code, to provide that a person commits an offense if, not being the cardholder, and without the effective consent of the cardholder, he possesses, rather than signs or writes his name or the name of another on, a credit card or debit card with intent to use it.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.