

## **BILL ANALYSIS**

Senate Research Center  
83R5941 AJZ-D

H.B. 2637  
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Engrossed

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

H.B. 2637 addresses a recently observed scam that is being used by certain individuals required to register as a sex offender in the Texas Sex Offender Registry to avoid doing so. Through the fraudulent use of identifying information, by assuming the identity of another individual, they can hide in plain sight. Other fraudulent use of identifying information includes using multiple aliases, using various identifying information such as Social Security numbers or date of birth, stealing identifying information from family members, manipulating either their own name or changed name through marriage, using the address of family members or friends, and altering physical appearance.

Under current law, punishment for failure to comply with sex offender registration requirements ranges from a state jail felony to a second degree felony and if the offender has a prior conviction, the punishment is enhanced to the next highest felony degree. Also under current law, punishment for fraudulent use or possession of identifying ranges from a state jail felony to a first degree felony and if the victim is an elderly individual the punishment is enhanced to the next highest level.

H.B. 2637 provides in a case where an individual fraudulently used identifying information to avoid registering as a sex offender to be punished at the next highest degree felony.

H.B. 2637 amends current law relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

### **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 Article 62.102, Code of Criminal Procedure, by adding Subsection (d), to provide that if it is shown at the trial of a person for an offense under this article or an attempt to commit an offense under this article that the person fraudulently used identifying information in violation of Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code, during the commission or attempted commission of the offense, the punishment for the offense or the attempt to commit the offense is increased to the punishment for the next highest degree of felony.

SECTION 2. Amends Section 32.51(c-1), Penal Code, as follows:

(c-1) Provides that an offense described for purposes of punishment by Subsections (c)(1)-(3) (relating to providing that an offense under this section is a state jail felony if the number of items obtained, possessed, transferred, or used is less than five; a felony of the third degree if the number of items obtained, possessed, transferred, or used is five or more but less than 10; or a felony of the second degree if the number of items obtained, possessed, transferred, or used is 10 or more but less than 50) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the offense was committed against an elderly individual as defined by Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual); or

(2) the actor fraudulently used identifying information with the intent to facilitate an offense under Article 62.102, Code of Criminal Procedure.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2013.