

Tex. Pen. Code § 32.21

Section 32.21 - Forgery

(a) For purposes of this section:

(1) "Forge" means:

(A) to alter, make, complete, execute, or authenticate any writing so that it purports:

(i) to be the act of another who did not authorize that act;

(ii) to have been executed at a time or place or in a numbered sequence other than was in fact the case; or

(iii) to be a copy of an original when no such original existed;

(B) to issue, transfer, register the transfer of, pass, publish, or otherwise utter a writing that is forged within the meaning of Paragraph (A); or

(C) to possess a writing that is forged within the meaning of Paragraph (A) with intent to utter it in a manner specified in Paragraph (B).

(2) "Writing" includes:

(A) printing or any other method of recording information;

(B) money, coins, tokens, stamps, seals, credit cards, badges, and trademarks; and

(C) symbols of value, right, privilege, or identification.

(b) A person commits an offense if he forges a writing with intent to defraud or harm another.

(c) Except as provided by Subsections (d), (e), and (e-1), an offense under this section is a Class A misdemeanor.

(d) Subject to Subsection (e-1), an offense under this section is a state jail felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument.

(e) Subject to Subsection (e-1), an offense under this section is a felony of the third degree if the writing is or purports to be:

(1) part of an issue of money, securities, postage or revenue stamps;

(2) a government record listed in Section 37.01(2)(C); or

(3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(e-1) If it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

- (1)** a Class C misdemeanor if the value of the property or service is less than \$100;
- (2)** a Class B misdemeanor if the value of the property or service is \$100 or more but less than \$750;
- (3)** a Class A misdemeanor if the value of the property or service is \$750 or more but less than \$2,500;
- (4)** a state jail felony if the value of the property or service is \$2,500 or more but less than \$30,000;
- (5)** a felony of the third degree if the value of the property or service is \$30,000 or more but less than \$150,000;
- (6)** a felony of the second degree if the value of the property or service is \$150,000 or more but less than \$300,000; and
- (7)** a felony of the first degree if the value of the property or service is \$300,000 or more.

(e-2) Notwithstanding any other provision of this section, an offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(7), is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

(f) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more writings of the same type and if each writing is a government record listed in Section 37.01(2)(C).

(f-1) For purposes of Subsection (e-1), it is presumed that a person in possession of money that is forged within the meaning of Subsection (a)(1)(A) intended to obtain a property or service of a value equal to the total purported value of the forged money.

(g) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

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Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 132, Sec. 1, eff. 9/1/2023.

Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 977, Sec. 25, eff. 9/1/2017.

Amended By Acts 2009, 81st Leg., R.S., Ch. 670, Sec. 1, eff. 9/1/2009.

Amended By Acts 2003, 78th Leg., ch. 1104, Sec. 1, eff. 9/1/2003.

Amended By Acts 1997, 75th Leg., ch. 189, Sec. 1, eff. 5/21/1997

Amended By Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. 9/1/1994

Amended by Acts 1991, 72nd Leg., ch. 113, Sec. 2, eff. 9/1/1991

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. 1/1/1974.

