

Tex. Pen. Code § 32.46

Section 32.46 - Fraudulent Securing of Document Execution

- (a) A person commits an offense if the person, with the intent to defraud or harm any person:
- (1) causes another person, without that person's effective consent, to sign or execute any document affecting property or service or the pecuniary interest of any person; or
 - (2) causes a public servant, without the public servant's effective consent, to file or record any purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of:
 - (A) a purported court that is not expressly created or established under the constitution or the laws of this state or of the United States;
 - (B) a purported judicial entity that is not expressly created or established under the constitution or laws of this state or of the United States; or
 - (C) a purported judicial officer of a purported court or purported judicial entity described by Paragraph (A) or (B).
- (b) An offense under Subsection (a)(1) is a:
- (1) Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$100;
 - (2) Class B misdemeanor if the value of the property, service, or pecuniary interest is \$100 or more but less than \$750;
 - (3) Class A misdemeanor if the value of the property, service, or pecuniary interest is \$750 or more but less than \$2,500;
 - (4) state jail felony if the value of the property, service, or pecuniary interest is \$2,500 or more but less than \$30,000;
 - (5) felony of the third degree if the value of the property, service, or pecuniary interest is \$30,000 or more but less than \$150,000;
 - (6) felony of the second degree if the value of the property, service, or pecuniary interest is \$150,000 or more but less than \$300,000; or
 - (7) felony of the first degree if the value of the property, service, or pecuniary interest is \$300,000 or more.
- (c) An offense under Subsection (a)(2) is a state jail felony.
- (c-1) An offense described for purposes of punishment by Subsections (b)(1)-(6) and (c) 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 or involves the state Medicaid program.

(d) In this section:

(1) "Deception" has the meaning assigned by Section 31.01.

(2) "Document" includes electronically stored data or other information that is retrievable in a readable, perceivable form.

(3) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(A) induced by deception or coercion;

(B) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions; or

(C) given by a person who by reason of advanced age is known by the actor to have a diminished capacity to make informed and rational decisions about the reasonable disposition of property.

(e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

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Amended by Acts 2021, Texas Acts of the 87th Leg. - Regular Session, ch. 837, Sec. 3, eff. 9/1/2021.

Amended by Acts 2021, Texas Acts of the 87th Leg. - Regular Session, ch. 837, Sec. 2, eff. 9/1/2021.

Amended by Acts 2021, Texas Acts of the 87th Leg. - Regular Session, ch. 837, Sec. 1, eff. 9/1/2021.

Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 1251, Sec. 22, eff. 9/1/2015.

Amended By Acts 2011, 82nd Leg., R.S., Ch. 620, Sec. 6, eff. 9/1/2011.

Amended By Acts 2007, 80th Leg., R.S., Ch. 127, Sec. 4, eff. 9/1/2007.

Amended By Acts 2003, 78th Leg., ch. 198, Sec. 2.138, eff. 9/1/2003

Amended By Acts 2003, 78th Leg., ch. 257, Sec. 15, eff. 9/1/2003

Amended By Acts 2003, 78th Leg., ch. 432, Sec. 4, eff. 9/1/2003.

Amended By Acts 1997, 75th Leg., ch. 189, Sec. 2, eff. 5/21/1997

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

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