

AN ACT

relating to the prosecution of the offense of injury to a child,
elderly individual, or disabled individual.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 22.04(d) and (i), Penal Code, are amended to read as follows:

(d) For purposes of an omission that causes a condition described by Subsection (a)(1), (2), or (3), the actor has assumed care, custody, or control if the actor [~~he~~] has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that the actor [~~he~~] has accepted responsibility for protection, food, shelter, or [~~and~~] medical care for a child, elderly individual, or disabled individual. For purposes of an omission that causes a condition described by Subsection (a-1)(1), (2), or (3), the actor acting during the actor's capacity as owner, operator, or employee of a group home or facility described by Subsection (a-1) is considered to have accepted responsibility for protection, food, shelter, or [~~and~~] medical care for the child, elderly individual, or disabled individual who is a resident of the group home or facility.

(i) It is an affirmative defense to prosecution under Subsection (b)(2) that before the offense the actor:

(1) notified in person the child, elderly individual, or disabled individual that the actor would no longer provide [~~any~~

1 ~~of~~] the applicable care described by Subsection (d), and notified
2 in writing the parents or a person, other than the actor, acting in
3 loco parentis to the child, elderly individual, or disabled
4 individual that the actor would no longer provide [~~any of~~] the
5 applicable care described by Subsection (d); or

6 (2) notified in writing the Department of Family and
7 Protective Services that the actor would no longer provide [~~any of~~]
8 the applicable care described by Subsection (d).

9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2021.

S.B. No. 1354

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1354 passed the Senate on April 19, 2021, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1354 passed the House on May 18, 2021, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor