

BILL ANALYSIS

C.S.H.B. 420
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law increases the penalty for assault and robbery offenses committed against an elderly person, although statistics have shown that people 65 and older are substantially less likely to be victims of violent crime than are younger men and women, according to the Bureau of Justice Statistics. However, current law does not provide a penalty increase for theft or fraud committed against an elderly person, even though statistics have shown that people age 65 or older are disproportionately impacted by theft and fraud.

Of all victimizations of older people during the period of 1992–1997, ninety-two percent were property crimes, compared to 72 percent for people under 65 years old, according to the Bureau of Justice Statistics. Because persons age 65 or older may be more susceptible to property crimes, there is a need to increase the punishment for such crimes to deter their commission. C.S.H.B. 420 provides that the punishment for theft and certain types of fraud is increased to the next higher category of offense if the crime is committed against a person who is 65 years of age or older.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 420 amends the Penal Code to provide that punishment for the offenses of theft, misapplication of fiduciary property, and securing the execution of a document by deception is increased to the next higher category of offense if the offense is committed against a person who is 65 years of age or older.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill by providing that punishment for the offenses of misapplication of fiduciary property and securing the execution of a document by deception, in addition to the offense of theft, is increased to the next higher category of offense if the offense is committed against a person who is 65 years of age or older.