

BILL ANALYSIS

H.B. 492
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The federal government under The Older American Act, Title 42 of the US Public Health and Welfare Code defines an older individual as one who is 60 years or older. The Act provides protection to older individuals against abuse, neglect and exploitation. House Bill 492 lowers the age defined in Section 22.04, Penal Code, as an elderly individual to conform with the federal law and enhance penalties for crimes committed against an elderly individual, a child or disabled individual.

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

House Bill 492 amends the Penal Code to increase penalties for certain crimes committed against an elderly individual, a child, or a disabled individual and lowers the age under the definition of "elderly individual" from 65 to 60 years of age or older. The bill provides that a person commits:

- a second degree felony if the person intentionally or knowingly causes bodily injury to an elderly individual, a child, or a disabled individual; or
- a third degree felony if the person recklessly acts with criminal negligence to cause serious bodily injury, serious mental deficiency, impairment, injury, or bodily injury to an elderly individual, a child, or a disabled individual.

The bill extends the term "actor" to include an employee of a licensed nursing facility, an assisted living facility, and an intermediate care facility for the mentally retarded.

EFFECTIVE DATE

September 1, 2003.