

BILL ANALYSIS

S.B. 825
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, it is a crime for certain health-care providers to engage in sexual contact with persons in their charge or with persons with whom they have a provider-patient relationship. Since these providers are responsible for caring for physically or mentally impaired individuals, sexual contact with a patient is considered nonconsensual and is therefore considered sexual assault. However, employees of long-term care facilities are not specifically included in this prohibition. Senate Bill 825 extends this prohibition to employees of long-term care facilities.

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

Senate Bill 825 amends the Penal Code to specify that sexual contact between an employee of a long-term care facility and a resident is nonconsensual and therefore constitutes sexual assault.

EFFECTIVE DATE

September 1, 2003.