

By: Martinez Fischer, Keel, Villarreal,
Merritt, Phillips, et al.

H.B. No. 420

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for certain property offenses committed
3 against an elderly individual.

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

5 SECTION 1. Section 31.01, Penal Code, is amended by adding
6 Subdivision (10) to read as follows:

7 (10) "Elderly individual" has the meaning assigned by
8 Section 22.04(c).

9 SECTION 2. Section 31.03(f), Penal Code, is amended to read
10 as follows:

11 (f) An offense described for purposes of punishment by
12 Subsections (e)(1)-(6) is increased to the next higher category of
13 offense if it is shown on the trial of the offense that:

14 (1) the actor was a public servant at the time of the
15 offense and the property appropriated came into the actor's
16 custody, possession, or control by virtue of his status as a public
17 servant; ~~or~~

18 (2) the actor was in a contractual relationship with
19 government at the time of the offense and the property appropriated
20 came into the actor's custody, possession, or control by virtue of
21 the contractual relationship; or

22 (3) the owner of the property appropriated was at the
23 time of the offense an elderly individual.

24 SECTION 3. Section 32.45, Penal Code, is amended by adding

1 Subsection (d) to read as follows:

2 (d) An offense described for purposes of punishment by
3 Subsections (c)(1)-(6) is increased to the next higher category of
4 offense if it is shown on the trial of the offense that the offense
5 was committed against an elderly individual as defined by Section
6 22.04.

7 SECTION 4. Section 32.46, Penal Code, is amended by adding
8 Subsection (c-1) to read as follows:

9 (c-1) An offense described for purposes of punishment by
10 Subsections (b)(1)-(6) and (c) is increased to the next higher
11 category of offense if it is shown on the trial of the offense that
12 the offense was committed against an elderly individual as defined
13 by Section 22.04.

14 SECTION 5. (a) The change in law made by this Act applies
15 only to an offense committed on or after the effective date of this
16 Act. For purposes of this section, an offense was committed before
17 the effective date of this Act if any element of the offense was
18 committed before that date.

19 (b) An offense committed before the effective date of this
20 Act is covered by the law in effect when the offense was committed,
21 and the former law is continued in effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2003.