

By: Martinez Fischer

H.B. No. 420

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for theft committed against elderly individuals.

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

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

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

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

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

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

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

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

SECTION 3. (a) The change in law made by this Act applies

1 only to an offense committed on or after the effective date of this
2 Act. For purposes of this section, an offense was committed before
3 the effective date of this Act if any element of the offense was
4 committed before that date.

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

8 SECTION 4. This Act takes effect September 1, 2003.