

1-1 By: Martinez Fischer, et al. H.B. No. 420
1-2 (Senate Sponsor - Zaffirini)
1-3 (In the Senate - Received from the House May 9, 2003;
1-4 May 13, 2003, read first time and referred to Committee on Criminal
1-5 Justice; May 23, 2003, reported favorably by the following vote:
1-6 Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the punishment for certain property offenses committed
1-10 against an elderly individual.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 31.01, Penal Code, is amended by adding
1-13 Subdivision (10) to read as follows:

1-14 (10) "Elderly individual" has the meaning assigned by
1-15 Section 22.04(c).

1-16 SECTION 2. Section 31.03(f), Penal Code, is amended to read
1-17 as follows:

1-18 (f) An offense described for purposes of punishment by
1-19 Subsections (e)(1)-(6) is increased to the next higher category of
1-20 offense if it is shown on the trial of the offense that:

1-21 (1) the actor was a public servant at the time of the
1-22 offense and the property appropriated came into the actor's
1-23 custody, possession, or control by virtue of his status as a public
1-24 servant; ~~[or]~~

1-25 (2) the actor was in a contractual relationship with
1-26 government at the time of the offense and the property appropriated
1-27 came into the actor's custody, possession, or control by virtue of
1-28 the contractual relationship; or

1-29 (3) the owner of the property appropriated was at the
1-30 time of the offense an elderly individual.

1-31 SECTION 3. Section 32.45, Penal Code, is amended by adding
1-32 Subsection (d) to read as follows:

1-33 (d) An offense described for purposes of punishment by
1-34 Subsections (c)(1)-(6) is increased to the next higher category of
1-35 offense if it is shown on the trial of the offense that the offense
1-36 was committed against an elderly individual as defined by Section
1-37 22.04.

1-38 SECTION 4. Section 32.46, Penal Code, is amended by adding
1-39 Subsection (c-1) to read as follows:

1-40 (c-1) An offense described for purposes of punishment by
1-41 Subsections (b)(1)-(6) and (c) is increased to the next higher
1-42 category of offense if it is shown on the trial of the offense that
1-43 the offense was committed against an elderly individual as defined
1-44 by Section 22.04.

1-45 SECTION 5. (a) The change in law made by this Act applies
1-46 only to an offense committed on or after the effective date of this
1-47 Act. For purposes of this section, an offense was committed before
1-48 the effective date of this Act if any element of the offense was
1-49 committed before that date.

1-50 (b) An offense committed before the effective date of this
1-51 Act is covered by the law in effect when the offense was committed,
1-52 and the former law is continued in effect for that purpose.

1-53 SECTION 6. This Act takes effect September 1, 2003.

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