

By: Jones of Dallas, Hodge, Chavez, Alonzo,  
Naishtat

H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of injury to a child, elderly individual, or disabled individual.

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

SECTION 1. Section 22.04(c)(2), Penal Code, is amended to read as follows:

(2) "Elderly individual" means a person 60 [~~65~~] years of age or older.

SECTION 2. Section 22.04(d), Penal Code, is amended to read as follows:

(d) The actor, including an employee of a nursing facility licensed under Chapter 242, Health and Safety Code, an assisted living facility licensed under Chapter 247, Health and Safety Code, and an intermediate care facility for the mentally retarded licensed under Chapter 252, Health and Safety Code, has assumed care, custody, or control if he has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that he has accepted responsibility for protection, food, shelter, and medical care for a child, elderly individual, or disabled individual.

SECTION 3. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was

1 committed before the effective date.

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

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