

By: Jones of Dallas

H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of injury to a child,
3 elderly individual, or disabled individual.

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

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

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

9 SECTION 2. Sections 22.04(d), (f), and (g), Penal Code, are
10 amended to read as follows:

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

21 (f) An offense under Subsection (a)(3) is a felony of the
22 second [~~third~~] degree when the conduct is committed intentionally
23 or knowingly. When the conduct is engaged in recklessly it shall be
24 a [~~state jail~~] felony of the third degree.

1 (g) An offense under Subsection (a) when the person acts
2 with criminal negligence shall be a [~~state-jail~~] felony of the third
3 degree.

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

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

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