

By: Jones of Dallas

H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment 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. Sections 22.04(d), (f), and (g), Penal Code, are  
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.

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