

By: Phillips

H.B. No. 1188

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain theft and fraud offenses committed against an elderly individual.

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

SECTION 1. Chapter 31, Penal Code, is amended by adding Section 31.015 to read as follows:

Sec. 31.015. ENHANCED PUNISHMENT FOR OFFENSE COMMITTED AGAINST ELDERLY INDIVIDUAL. (a) In this section:

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

(2) "Victim" means an individual who suffers pecuniary loss as a result of criminally injurious conduct that occurs in this state.

(b) An offense under this chapter, other than an offense punishable as a felony of the first degree, is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) there is a discernible victim of the offense; and

(2) the discernible victim of the offense is an elderly individual.

SECTION 2. Subchapter A, Chapter 32, Penal Code, is amended by adding Section 32.04 to read as follows:

Sec. 32.04. ENHANCED PUNISHMENT FOR OFFENSE COMMITTED AGAINST ELDERLY INDIVIDUAL. (a) In this section:

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

3 (2) "Victim" means an individual who suffers pecuniary
4 loss as a result of criminally injurious conduct that occurs in this
5 state.

6 (b) An offense under this chapter, other than an offense
7 punishable as a felony of the first degree, is increased to the next
8 higher category of offense if it is shown on the trial of the
9 offense that:

10 (1) there is a discernible victim of the offense; and

11 (2) the discernible victim of the offense is an
12 elderly individual.

13 SECTION 3. (a) This Act takes effect September 1, 2003.

14 (b) The change in law made by this Act applies only to an
15 offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is covered
17 by the law in effect when the offense was committed, and the former
18 law is continued in effect for that purpose. For purposes of this
19 section, an offense was committed before the effective date of this
20 Act if any element of the offense was committed before that date.