

By: Riddle

H.B. No. 2408

A BILL TO BE ENTITLED

1 AN ACT

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, Penal Code, is amended by
6 amending Subsections (a) and (g) and adding Subsection (f-1) to
7 read as follows:

8 (a) A person commits an offense if he intentionally,
9 knowingly, recklessly, or with criminal negligence, by act or
10 intentionally, knowingly, or recklessly by omission, causes to a
11 child, elderly individual, or disabled individual:

12 (1) serious bodily injury;

13 (2) serious mental deficiency, impairment, or injury;

14 [~~or~~]

15 (3) bodily injury; or

16 (4) serious bodily injury, the severity of which is so
17 pronounced that:

18 (A) the child or individual is able to remain
19 alive only with advanced medical life support; or

20 (B) the quality of life of the child or
21 individual is substantially and permanently altered.

22 (f-1) An offense under Subsection (a)(4) is a felony of the
23 first degree when the conduct is committed intentionally,
24 knowingly, or recklessly. When the conduct is engaged in

1 negligently the offense is a felony of the second degree.

2 (g) Except as provided by Subsection (f-1), an [An] offense
3 under Subsection (a) when the person acts with criminal negligence
4 shall be a state jail felony.

5 SECTION 2. (a) The change in law made by this Act applies
6 only to an offense committed on or after the effective date of this
7 Act. For purposes of this section, an offense is committed before
8 the effective date of this Act if any element of the offense occurs
9 before the effective date.

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

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