

By: Dunnam

H.B. No. 3113

A BILL TO BE ENTITLED

AN ACT

relating to the definition of abuse of a child.

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

SECTION 1. Sec. 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

1 (E) sexual conduct harmful to a child's mental,
2 emotional, or physical welfare[, ~~including conduct that~~
3 ~~constitutes the offense of indecency with a child under Section~~
4 ~~21.11, Penal Code, sexual assault under Section 22.011, Penal Code,~~
5 ~~or aggravated sexual assault under Section 22.021, Penal Code~~];

6 (F) failure to make a reasonable effort to
7 prevent sexual conduct harmful to a child;

8 (G) compelling or encouraging the child to engage
9 in sexual conduct as defined by Section 43.01, Penal Code;

10 (H) causing, permitting, encouraging, engaging
11 in, or allowing the photographing, filming, or depicting of the
12 child if the person knew or should have known that the resulting
13 photograph, film, or depiction of the child is obscene as defined by
14 Section 43.21, Penal Code, or pornographic;

15 (I) the current use by a person of a controlled
16 substance as defined by Chapter 481, Health and Safety Code, in a
17 manner or to the extent that the use results in physical, mental, or
18 emotional injury to a child;

19 (J) causing, expressly permitting, or
20 encouraging a child to use a controlled substance as defined by
21 Chapter 481, Health and Safety Code; or

22 (K) causing, permitting, encouraging, engaging
23 in, or allowing a sexual performance by a child as defined by
24 Section 43.25, Penal Code.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 3113

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.