

By: Uresti

H.B. No. 1218

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reporting requirements concerning investigations of
3 alleged abuse, neglect, or exploitation of elderly or disabled
4 persons; providing a criminal penalty.

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

6 SECTION 1. Subchapter D, Chapter 48, Human Resources Code,
7 is amended by adding Sections 48.1521 and 48.1522 to read as
8 follows:

9 Sec. 48.1521. REPORTS OF CRIMINAL CONDUCT TO LAW
10 ENFORCEMENT AGENCY. If during the course of the department's or
11 another state agency's investigation of reported abuse, neglect, or
12 exploitation a caseworker of the department or other state agency,
13 as applicable, or the caseworker's supervisor has cause to believe
14 that the elderly or disabled person has been abused, neglected, or
15 exploited by another person in a manner that constitutes a criminal
16 offense under any law, including Section 22.04, Penal Code, the
17 caseworker or supervisor shall:

18 (1) immediately notify an appropriate law enforcement
19 agency; and

20 (2) provide the law enforcement agency with a copy of
21 the investigation report of the department or other state agency,
22 as applicable, in a timely manner.

23 Sec. 48.1522. FAILURE TO REPORT; PENALTY. (a) A person
24 commits an offense if the person:

1 (1) is required to notify a law enforcement agency
2 under Section 48.1521; and

3 (2) knowingly fails to provide that notification under
4 circumstances in which a reasonable person would believe that the
5 alleged criminal conduct had not previously been reported to an
6 appropriate law enforcement agency.

7 (b) An offense under this section is a Class B misdemeanor.

8 SECTION 2. Section 48.157, Human Resources Code, is
9 repealed.

10 SECTION 3. This Act takes effect September 1, 2005.