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H.B. No. 2328

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for certain fraud offenses committed
3 against elderly individuals.

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

5 SECTION 1. Section 32.21, Penal Code, is amended by
6 amending Subsection (c) and adding Subsection (e-1) to read as
7 follows:

8 (c) Except as provided by ~~[in]~~ Subsections (d), ~~[and]~~ (e),
9 and (e-1), an offense under this section is a Class A misdemeanor.

10 (e-1) An offense under this section is increased to the next
11 higher category of offense if it is shown on the trial of the
12 offense that the offense was committed against an elderly
13 individual as defined by Section 22.04.

14 SECTION 2. Section 32.31(d), Penal Code, is amended to read
15 as follows:

16 (d) An offense under this section is a state jail felony,
17 except that the offense is a felony of the third degree if it is
18 shown on the trial of the offense that the offense was committed
19 against an elderly individual as defined by Section 22.04.

20 SECTION 3. Section 32.51, Penal Code, is amended by adding
21 Subsection (c-1) to read as follows:

22 (c-1) An offense described for purposes of punishment by
23 Subsections (c)(1)-(3) is increased to the next higher category of
24 offense if it is shown on the trial of the offense that the offense

1 was committed against an elderly individual as defined by Section
2 22.04.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect when the offense was committed, and
7 the former law is continued in effect for that purpose. For the
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 5. This Act takes effect September 1, 2009.