

BILL ANALYSIS

H.B. 1722
By: Lucio III
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a person is required to report suspected child abuse but that many people are either unaware of this requirement or simply choose to ignore it. The parties note that legislation is required to further ensure the safety of Texas children by making it an offense for a person to fail to stop or report certain crimes committed against children. H.B. 1722 seeks to address this issue by providing for the creation of such an offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1722 amends the Penal Code to create the offense of failure to stop or report certain crimes committed against a child. The bill makes it an offense if the following conditions exist: the actor observes the commission or attempted commission of an offense against the person or against the family or the commission of a public indecency offense under circumstances in which a reasonable person would believe that an offense was being committed or was about to be committed; the victim or intended victim of the offense is a child younger than 17 years of age who is a member of the actor's family or a current member of the actor's household; and the actor, without placing the actor in danger of suffering serious bodily injury or death, fails to assist the child or immediately report the commission or attempted commission of the offense. The bill makes the punishment for the offense one category lower than the punishment for the offense the actor observes being committed against the child if the actor observes an offense being committed or one category lower than the punishment for the attempted commission of the offense the actor observes attempting to be committed against the child if the actor observes the attempted commission of an offense. The bill makes the penalty for the offense a Class A misdemeanor if the offense or the attempted commission of an offense the actor observes is a state jail felony. The bill specifies that if the actor's conduct constituting an offense of failure to stop or report certain crimes committed against a child also constitutes an offense under any other law, the actor may be prosecuted under either law or both laws. The bill repeals provisions of law establishing the offense of failure to stop or report the aggravated sexual assault of a child. The bill defines "child" and provides for the meanings of "family" and "household" by reference to the Family Code.

H.B. 1722 repeals Section 38.17, Penal Code.

EFFECTIVE DATE

September 1, 2011.