

By: Menendez

H.B. No. 385

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for theft and certain fraud offenses
3 committed against a disabled individual.

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

5 SECTION 1. Section 31.01, Penal Code, is amended by adding
6 Subdivision (11) to read as follows:

7 (11) "Disabled individual" has the meaning assigned by
8 Section 22.04(c).

9 SECTION 2. Section 31.03(f), Penal Code, is amended to read
10 as follows:

11 (f) An offense described for purposes of punishment by
12 Subsections (e)(1)-(6) is increased to the next higher category of
13 offense if it is shown on the trial of the offense that:

14 (1) the actor was a public servant at the time of the
15 offense and the property appropriated came into the actor's
16 custody, possession, or control by virtue of his status as a public
17 servant;

18 (2) the actor was in a contractual relationship with
19 government at the time of the offense and the property appropriated
20 came into the actor's custody, possession, or control by virtue of
21 the contractual relationship;

22 (3) the owner of the property appropriated was at the
23 time of the offense:

24 (A) an elderly individual; [~~or~~]

1 (B) a disabled individual; or

2 (C) a nonprofit organization; or

3 (4) the actor was a Medicare provider in a contractual
4 relationship with the federal government at the time of the offense
5 and the property appropriated came into the actor's custody,
6 possession, or control by virtue of the contractual relationship.

7 SECTION 3. Section 32.21(e-1), Penal Code, is amended to
8 read as follows:

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

14 SECTION 4. 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 or a disabled individual, as those
20 terms are defined by Section 22.04.

21 SECTION 5. Section 32.45(d), Penal Code, is amended to read
22 as follows:

23 (d) An offense described for purposes of punishment by
24 Subsections (c)(1)-(6) is increased to the next higher category of
25 offense if it is shown on the trial of the offense that the offense
26 was committed against an elderly individual or a disabled
27 individual, as those terms are defined by Section 22.04.

1 SECTION 6. Section 32.46(c-1), Penal Code, is amended to
2 read as follows:

3 (c-1) An offense described for purposes of punishment by
4 Subsections (b)(1)-(6) and (c) is increased to the next higher
5 category of offense if it is shown on the trial of the offense that
6 the offense:

7 (1) was committed against an elderly individual or a
8 disabled individual, as those terms are defined by Section 22.04;
9 or

10 (2) involves the state Medicaid program.

11 SECTION 7. Section 32.51(c-1), Penal Code, is amended to
12 read as follows:

13 (c-1) An offense described for purposes of punishment by
14 Subsections (c)(1)-(3) is increased to the next higher category of
15 offense if it is shown on the trial of the offense that the offense
16 was committed against an elderly individual or a disabled
17 individual, as those terms are defined by Section 22.04.

18 SECTION 8. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 covered by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 9. This Act takes effect September 1, 2011.