

By: Lucio III

H.B. No. 1722

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution and punishment of offenses related to  
3 the failure to stop or report certain crimes committed against a  
4 child.

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

6 SECTION 1. Chapter 38, Penal Code, is amended by adding  
7 Section 38.172 to read as follows:

8 Sec. 38.172. FAILURE TO STOP OR REPORT CERTAIN CRIMES  
9 COMMITTED AGAINST CHILD. (a) For purposes of this section:

10 (1) "Child" means a person younger than 17 years of  
11 age.

12 (2) "Family" has the meaning assigned by Section  
13 71.003, Family Code.

14 (3) "Household" has the meaning assigned by Section  
15 71.005, Family Code.

16 (b) A person commits an offense if:

17 (1) the actor observes the commission or attempted  
18 commission of an offense under Title 5, Title 6, or Chapter 43 under  
19 circumstances in which a reasonable person would believe that an  
20 offense was being committed or was about to be committed;

21 (2) the victim or intended victim of the offense is a  
22 child who is a member of the actor's family or a current member of  
23 the actor's household; and

24 (3) the actor, without placing the actor in danger of

1 suffering serious bodily injury or death, fails to assist the child  
2 or immediately report the commission or attempted commission of the  
3 offense.

4 (c) Subject to Subsection (d), the punishment for an offense  
5 under this section is:

6 (1) one category lower than the punishment for the  
7 offense the actor observes being committed against the child, if  
8 the actor observes an offense being committed; or

9 (2) one category lower than the punishment for the  
10 attempted commission of the offense the actor observes attempting  
11 to be committed against the child, if the actor observes the  
12 attempted commission of an offense.

13 (d) If the offense or the attempted commission of an offense  
14 the actor observes is a state jail felony, an offense under this  
15 section is a Class A misdemeanor.

16 (e) If conduct constituting an offense under this section  
17 also constitutes an offense under any other law, the actor may be  
18 prosecuted under:

19 (1) this section;

20 (2) the other law; or

21 (3) both this section and the other law.

22 SECTION 2. Section 38.17, Penal Code, is repealed.

23 SECTION 3. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 covered by the law in effect when the offense was committed, and the  
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of  
2 this Act if any element of the offense occurred before that date.

3 SECTION 4. This Act takes effect September 1, 2011.