

By: Marquez

H.B. No. 3304

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of exploitation of an elderly individual; providing a penalty.

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

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.53 to read as follows:

Sec. 32.53. EXPLOITATION OF ELDERLY INDIVIDUAL. (a) In this section:

(1) "Elderly individual" has the meaning assigned by Section 22.04.

(2) "Exploitation" means the illegal or improper use of an individual or of the resources of the individual for benefit, profit, or gain.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly causes the exploitation of an elderly individual.

(c) An offense under this section is a felony of the third degree.

(d) A person who is subject to prosecution under both this section and another section of this code may be prosecuted under either or both sections. Section 3.04 does not apply to criminal episodes prosecuted under both this section and another section of this code. If a criminal episode is prosecuted under both this section and another section of this code and sentences are assessed

1 for convictions under both sections, the sentences shall run
2 concurrently.

3 SECTION 2. This Act takes effect September 1, 2011.