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H.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

relating to the offense of failure to report abuse or neglect of a
child.

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

SECTION 1. Section 261.109, Family Code, is amended to read
as follows:

Sec. 261.109. FAILURE TO REPORT; PENALTY. (a) A person
commits an offense if the person is required to make a report under
Section 261.101(a) [~~has cause to believe that a child's physical or~~
~~mental health or welfare has been or may be adversely affected by~~
~~abuse or neglect~~] and knowingly fails to make a report as provided
in this chapter.

(a-1) A person who is a professional as defined by Section
261.101(b) commits an offense if the person is required to make a
report under Section 261.101(b) and knowingly fails to make a
report as provided in this chapter.

(b) An offense under Subsection (a) [~~this section~~] is a
Class A misdemeanor, except that the offense is a state jail felony
if it is shown on the trial of the offense that the child was a
person with an intellectual disability [~~mental retardation~~] who
resided in a state supported living center, the ICF-MR component of
the Rio Grande State Center, or a facility licensed under Chapter
252, Health and Safety Code, and the actor knew that the child had
suffered serious bodily injury as a result of the abuse or neglect.

1 (c) An offense under Subsection (a-1) is a Class A
2 misdemeanor, except that the offense is a state jail felony if it is
3 shown on the trial of the offense that the actor intended to conceal
4 the abuse or neglect.

5 SECTION 2. The changes in law made by this Act to Section
6 261.109, Family Code, apply only to an offense committed on or after
7 the effective date of this Act. An offense committed before the
8 effective date of this Act is governed by the law in effect on the
9 date the offense was committed, and the former law is continued in
10 effect for that purpose. For purposes of this section, an offense
11 was committed before the effective date of this Act if any element
12 of the offense occurred before that date.

13 SECTION 3. This Act takes effect September 1, 2013.