

BILL ANALYSIS

H.B. 1286
By: Simmons
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

For purposes of the offense of injury to a child, elderly individual, or disabled individual, a "disabled individual" is currently defined as a person older than 14 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect himself from harm or to provide food, shelter, or medical care for himself. Interested parties contend that this definition should be expanded to cover other disabled individuals who may not meet that description. H.B. 1286 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1286 amends the Penal Code to include in the definition of "disabled individual," for purposes of statutory provisions relating to an offense for injury to a child, elderly individual, or disabled individual, a person with autism spectrum disorder, a developmental disability, an intellectual disability, a severe emotional disturbance, a traumatic brain injury, or any combination thereof. The bill removes a provision limiting the definition of "disabled individual" for those purposes to a person older than 14 years of age. The bill clarifies, for purposes of the affirmative defense to prosecution for such an offense where the actor was not more than three years older than the victim who was a child at the time of the offense, that the child was nondisabled or disabled at the time of the offense.

EFFECTIVE DATE

September 1, 2015.