

1-1 By: Burkett, Button (Senate Sponsor - Menéndez) H.B. No. 3019
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 9, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the prosecution for the offense of injury to a child,
 1-20 elderly individual, or disabled individual.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 22.04(a-1) and (i), Penal Code, are
 1-23 amended to read as follows:

1-24 (a-1) A person commits an offense if the person is an owner,
 1-25 operator, or employee of a group home, nursing facility, assisted
 1-26 living facility, boarding home facility, intermediate care
 1-27 facility for persons with an intellectual or developmental
 1-28 disability [~~mental retardation~~], or other institutional care
 1-29 facility and the person intentionally, knowingly, recklessly, or
 1-30 with criminal negligence by omission causes to a child, elderly
 1-31 individual, or disabled individual who is a resident of that group
 1-32 home or facility:

- 1-33 (1) serious bodily injury;
- 1-34 (2) serious mental deficiency, impairment, or injury;

1-35 or

- 1-36 (3) bodily injury.

1-37 (i) It is an affirmative defense to prosecution under
 1-38 Subsection (b)(2) that before the offense the actor:

- 1-39 (1) notified in person the child, elderly individual,
 1-40 or disabled individual that the actor [~~he~~] would no longer provide
 1-41 any of the care described by Subsection (d), [~~+~~] and

1-42 [~~(2)~~] notified in writing the parents or a person,
 1-43 other than the actor, [~~himself~~] acting in loco parentis to the
 1-44 child, elderly individual, or disabled individual that the actor
 1-45 [~~he~~] would no longer provide any of the care described by Subsection
 1-46 (d); or

1-47 (2) [~~(3)~~] notified in writing the Department of Family
 1-48 and Protective [~~and Regulatory~~] Services that the actor [~~he~~] would
 1-49 no longer provide any of the care described by [~~set forth in~~]
 1-50 Subsection (d).

1-51 SECTION 2. Section 22.04(c)(3), Penal Code, is amended to
 1-52 read as follows:

1-53 (3) "Disabled individual" means a person:

1-54 (A) with one or more of the following:

- 1-55 (i) autism spectrum disorder, as defined by
 1-56 Section 1355.001, Insurance Code;
- 1-57 (ii) developmental disability, as defined
 1-58 by Section 112.042, Human Resources Code;
- 1-59 (iii) intellectual disability, as defined
 1-60 by Section 591.003, Health and Safety Code;
- 1-61 (iv) severe emotional disturbance, as

2-1 defined by Section 261.001, Family Code; [~~or~~]
2-2 (v) traumatic brain injury, as defined by
2-3 Section 92.001, Health and Safety Code; or
2-4 (vi) mental illness, as defined by Section
2-5 571.003, Health and Safety Code; or

2-6 (B) who otherwise by reason of age or physical or
2-7 mental disease, defect, or injury is substantially unable to
2-8 protect the person's self from harm or to provide food, shelter, or
2-9 medical care for the person's self.

2-10 SECTION 3. The change in law made by this Act applies only
2-11 to an offense committed on or after the effective date of this Act.
2-12 An offense committed before the effective date of this Act is
2-13 governed by the law in effect on the date the offense was committed,
2-14 and the former law is continued in effect for that purpose. For
2-15 purposes of this section, an offense was committed before the
2-16 effective date of this Act if any element of the offense occurred
2-17 before that date.

2-18 SECTION 4. This Act takes effect September 1, 2017.

2-19 * * * * *