1-6                           COMMITTEE VOTE

|       |       | Yea | Nay | Absent | PNV |
|-------|-------|-----|-----|--------|-----|
| 1-8   | Whitmire | X |  |  |  |
| 1-9   | Huffman | X |  |  |  |
| 1-10  | Birdwell | X |  |  |  |
| 1-11  | Burton | X |  |  |  |
| 1-12  | Creighton | X |  |  |  |
| 1-13  | Garcia | X |  |  |  |
| 1-14  | Hughes |  |  | X |  |
| 1-15  | Menéndez | X |  |  |  |
| 1-16  | Perry | 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.

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