2019S0207-1 02/13/19

By:  Menéndez S.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements regarding child abuse and neglect, including the offense of failure to report abuse or neglect of a child; increasing criminal penalties.

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

SECTION 1.  Section 261.101(a), Family Code, is amended to read as follows:

(a)  A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall [~~immediately~~] make a report as provided by this subchapter not later than the 72nd hour after the hour the person first suspects that the child's physical or mental health or welfare has been adversely affected by abuse or neglect.

SECTION 2.  Section 261.109, Family Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b)  Except as provided by Subsections (b-1) and (b-2), an [~~An~~] offense under Subsection (a) is a Class A misdemeanor.

(b-1)  An offense under Subsection (a)[~~, 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 who resided in a state supported living center, the ICF-IID 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.

(b-2)  An offense under Subsection (a) is a state jail felony if it is shown on the trial of the offense that:

(1)  at the time of the offense the person had cause to believe that the child had suffered significant bodily injury as a result of the abuse or neglect; and

(2)  the child suffered significant bodily injury as a result of the abuse or neglect.

(b-3)  For purposes of Subsection (b-2), "significant bodily injury" means an injury that results in an impairment to bodily function, or in a dysfunction of any bodily organ or part, that would cause a reasonably prudent person to seek treatment from a medical professional.

SECTION 3.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.