

By: Davis of Dallas

H.B. No. 3774

A BILL TO BE ENTITLED

AN ACT

relating to investigations of abuse or exploitation of an elderly person or person with a disability.

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

SECTION 1. Sections 48.002(a)(2) and (3), Human Resources Code, are amended to read as follows:

(2) "Abuse" means:

(A) the negligent or wilful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual ~~[who has an ongoing relationship with the person]~~; or

(B) sexual abuse of an elderly person or person with a disability, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual ~~[who has an ongoing relationship with the person]~~.

(3) "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual ~~[who has an ongoing relationship with an elderly person or person with a disability]~~ that involves using, or attempting to use, the

resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

SECTION 2. Section 48.002(c), Human Resources Code, is amended to read as follows:

(c) Except as provided by Subsection (b), the executive commissioner by rule may adopt definitions of "abuse," "neglect," and "exploitation," as an alternative to the definitions of those terms under Subsection (a), for purposes of conducting an investigation under this chapter or Chapter 142, Health and Safety Code. The rules:

(1) may not require an individual to have an ongoing relationship with an elderly person or person with a disability for the department to conduct an investigation of that individual; and

(2) must allow the department to conduct an investigation of any individual alleged to have committed abuse or exploitation.

SECTION 3. Section 48.151, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department may investigate an allegation of abuse or exploitation committed by any individual, regardless of whether that individual has an ongoing relationship with an elderly person or a person with a disability.

SECTION 4. As soon as practicable after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall adopt rules necessary to implement the

1 changes in law made by this Act.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.