

By: Tinderholt

H.B. No. 3926

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating the criminal offenses of obtaining medical  
3 treatment by deception for a child, elderly individual, or disabled  
4 individual and continuous abuse of a child, elderly individual, or  
5 disabled individual.

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

7 SECTION 1. This Act shall be known as Alyssa's Law.

8 SECTION 2. Chapter 22, Penal Code, is amended by adding  
9 Sections 22.042 and 22.043 to read as follows:

10 Sec. 22.042. OBTAINING MEDICAL TREATMENT BY DECEPTION FOR  
11 CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In this  
12 section:

13 (1) "Child," "disabled individual," and "elderly  
14 individual" have the meanings assigned by Section 22.04.

15 (2) "Medical history" includes any oral or written  
16 communication regarding an individual's current or previous  
17 symptoms, diagnoses, or family medical history.

18 (3) "Medical treatment" includes a prescription for a  
19 controlled substance or other medication, an injection, inpatient  
20 or outpatient surgery, or other medical care occurring under the  
21 direction of or by a licensed physician.

22 (b) A person commits an offense if the person intentionally  
23 provides false medical history to medical personnel to obtain  
24 medical treatment for a child, elderly individual, or disabled

1 individual.

2 (c) An offense under this section is a felony of the third  
3 degree.

4 Sec. 22.043. CONTINUOUS ABUSE OF CHILD, ELDERLY INDIVIDUAL,  
5 OR DISABLED INDIVIDUAL. (a) A person commits an offense if, during  
6 a period that is 30 or more days but less than five years in  
7 duration, the person engages two or more times in conduct that  
8 constitutes an offense under Section 22.04 or 22.042 against one or  
9 more victims.

10 (b) If a jury is the trier of fact, members of the jury are  
11 not required to agree unanimously on which specific conduct engaged  
12 in by the defendant constituted an offense under Section 22.04 or  
13 22.042 or on which exact date the defendant engaged in that conduct.  
14 The jury must agree unanimously that the defendant, during a period  
15 that is 30 or more days but less than five years in duration,  
16 engaged two or more times in conduct that constituted an offense  
17 under Section 22.04 or 22.042.

18 (c) If the victim of an offense under Subsection (a) is the  
19 same victim as a victim of an offense under Section 22.04 or 22.042,  
20 a defendant may not be convicted of the offense under Section 22.04  
21 or 22.042 in the same criminal action as the offense under  
22 Subsection (a), unless the offense under Section 22.04 or 22.042:

23 (1) is charged in the alternative;

24 (2) occurred outside the period in which the offense  
25 alleged under Subsection (a) was committed; or

26 (3) is considered by the trier of fact to be a lesser  
27 included offense of the offense alleged under Subsection (a).

1       (d) A defendant may not be charged with more than one count  
2 under Subsection (a) if all of the conduct that constitutes an  
3 offense under Section 22.04 or 22.042 is alleged to have been  
4 committed against the same victim.

5       (e) An offense under this section is a felony of the second  
6 degree.

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

15       SECTION 4. This Act takes effect September 1, 2019.