

By: Menéndez

S.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting requirements regarding child abuse and
3 neglect, including the offense of failure to report abuse or
4 neglect of a child; increasing criminal penalties.

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

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

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

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

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

19 (b-1) An offense under Subsection (a) [~~, except that the~~
20 offense] is a state jail felony if it is shown on the trial of the
21 offense that the child was a person with an intellectual disability
22 who resided in a state supported living center, the ICF-IID
23 component of the Rio Grande State Center, or a facility licensed
24 under Chapter 252, Health and Safety Code, and the actor knew that

1 the child had suffered serious bodily injury as a result of the
2 abuse or neglect.

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

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

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

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

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

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