

BILL ANALYSIS

H.B. 375
By: Smith
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised over the high incidence of sexual abuse of disabled individuals, including the recent case in which a disabled woman in Arizona gave birth after being assaulted by a nurse. Many suggest that these incidents are more common than reported and that current protections in place for children with regard to this conduct are also appropriate for these vulnerable and defenseless individuals who are unable to consent. H.B. 375 seeks to address this issue by making the continuous sexual abuse of a disabled individual a first degree felony offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 375 amends the Penal Code to make the conduct constituting the offense of continuous sexual abuse of a young child or children applicable with respect to a victim who is a disabled individual, thereby creating the offense of continuous sexual abuse of a young child or disabled individual. The bill defines "disabled individual" as a person with a developmental disability, intellectual disability, or traumatic brain injury or who otherwise by reason of age or physical or mental disease, defect, or injury is substantially unable to protect themselves from harm or to provide food, shelter, or medical care for themselves.

H.B. 375 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Health and Safety Code, Occupations Code, Penal Code, and Property Code to make conforming changes.

EFFECTIVE DATE

September 1, 2021.