

BILL ANALYSIS

S.B. 1354
By: Miles
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, a person is considered to have assumed care, custody, or control of a child, elderly individual, or disabled individual if the person's acts, words, or conduct would lead a reasonable person to conclude that the person has accepted responsibility for protection, food, shelter, and medical care for the child or individual. Current statute protects these vulnerable individuals with an offense for causing injury to such an individual through neglect or misconduct if the individual is under that care, custody, or control. However, given the manner in which the statute is currently written, prosecutors need to prove that the person assuming care, custody, or control assumed responsibility for protection, food, shelter, and medical care in order to hold the person accountable for misconduct. It has been suggested that proving all four of these elements is nearly impossible. There have been calls to ensure that bad actors are held accountable for any misconduct or neglect rather than having to prove elements that may not be directly applicable in certain circumstances. S.B. 1354 seeks to address this issue by revising the conditions under which a person has assumed care, custody, or control of a child, elderly individual, or disabled individual for purposes of the offense for injury to such a child or individual.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

S.B. 1354 amends the Penal Code to revise the conditions under which a person has assumed care, custody, or control of a child, elderly individual, or disabled individual for purposes of the offense for injury to such a child or individual by establishing that the actor has assumed care, custody, or control of the child or individual if the actor has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that the actor has accepted responsibility for protection, food, shelter, or medical care for the child or individual.

EFFECTIVE DATE

September 1, 2021.