

By: Cook

H.B. No. 1773

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating the criminal offenses of obtaining unneeded
3 medical treatment by deception for a child, elderly individual, or
4 disabled individual and continuous abuse of a child, elderly
5 individual, or 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 UNNEEDED MEDICAL TREATMENT BY
11 DECEPTION FOR CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL.

12 (a) In this section:

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

15 (2) "Health care provider" means a person who is
16 licensed, certified, or otherwise authorized by the laws of this
17 state to provide health care in the ordinary course of business or
18 practice of a profession, including a paramedic, physician
19 assistant, licensed nurse, or licensed physician.

20 (3) "Medical history" includes any oral, written, or
21 electronic communication regarding an individual's current or
22 previous symptoms, diagnoses, or family medical history.

23 (4) "Medical treatment" includes a prescription for a
24 controlled substance, inpatient or outpatient surgery, or the

1 administration of general anesthesia. The term does not include a
2 vaccination.

3 (b) A person commits an offense if the person knowingly
4 provides false medical history to a health care provider to obtain
5 an unneeded medical treatment for a child, elderly individual, or
6 disabled individual.

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

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

15 (b) If a jury is the trier of fact, members of the jury are
16 not required to agree unanimously on which specific conduct engaged
17 in by the defendant constituted an offense under Section 22.04 or
18 22.042 or on which exact date the defendant engaged in that conduct.
19 The jury must agree unanimously that the defendant, during a period
20 that is 30 or more days but less than five years in duration,
21 engaged two or more times in conduct that constituted an offense
22 under Section 22.04 or 22.042.

23 (c) If the victim of an offense under Subsection (a) is the
24 same victim as a victim of an offense under Section 22.04 or 22.042,
25 a defendant may not be convicted of the offense under Section 22.04
26 or 22.042 in the same criminal action as the offense under
27 Subsection (a), unless the offense under Section 22.04 or 22.042:

1 (1) is charged in the alternative;

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

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

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

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

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

20 SECTION 4. This Act takes effect September 1, 2021.