

By: Miles

S.B. No. 1354

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offense of injury to a child,
3 elderly individual, or disabled individual.

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

5 SECTION 1. Sections 22.04(d) and (i), Penal Code, are
6 amended to read as follows:

7 (d) For purposes of an omission that causes a condition
8 described by Subsection (a)(1), (2), or (3), the actor has assumed
9 care, custody, or control if the actor [~~he~~] has by act, words, or
10 course of conduct acted so as to cause a reasonable person to
11 conclude that the actor [~~he~~] has accepted responsibility for
12 protection, food, shelter, or [~~and~~] medical care for a child,
13 elderly individual, or disabled individual. For purposes of an
14 omission that causes a condition described by Subsection (a-1)(1),
15 (2), or (3), the actor acting during the actor's capacity as owner,
16 operator, or employee of a group home or facility described by
17 Subsection (a-1) is considered to have accepted responsibility for
18 protection, food, shelter, or [~~and~~] medical care for the child,
19 elderly individual, or disabled individual who is a resident of the
20 group home or facility.

21 (i) It is an affirmative defense to prosecution under
22 Subsection (b)(2) that before the offense the actor:

23 (1) notified in person the child, elderly individual,
24 or disabled individual that the actor would no longer provide [~~any~~

1 ~~of~~] the applicable care described by Subsection (d), and notified
2 in writing the parents or a person, other than the actor, acting in
3 loco parentis to the child, elderly individual, or disabled
4 individual that the actor would no longer provide [~~any of~~] the
5 applicable care described by Subsection (d); or

6 (2) notified in writing the Department of Family and
7 Protective Services that the actor would no longer provide [~~any of~~]
8 the applicable care described by Subsection (d).

9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2021.