

1-1 By: Miles S.B. No. 1354
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 12, 2021, reported favorably by the following vote: Yeas 5,
 1-5 Nays 0; April 12, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the prosecution of the offense of injury to a child,
 1-18 elderly individual, or disabled individual.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 22.04(d) and (i), Penal Code, are
 1-21 amended to read as follows:

1-22 (d) For purposes of an omission that causes a condition
 1-23 described by Subsection (a)(1), (2), or (3), the actor has assumed
 1-24 care, custody, or control if the actor [~~he~~] has by act, words, or
 1-25 course of conduct acted so as to cause a reasonable person to
 1-26 conclude that the actor [~~he~~] has accepted responsibility for
 1-27 protection, food, shelter, or [~~and~~] medical care for a child,
 1-28 elderly individual, or disabled individual. For purposes of an
 1-29 omission that causes a condition described by Subsection (a-1)(1),
 1-30 (2), or (3), the actor acting during the actor's capacity as owner,
 1-31 operator, or employee of a group home or facility described by
 1-32 Subsection (a-1) is considered to have accepted responsibility for
 1-33 protection, food, shelter, or [~~and~~] medical care for the child,
 1-34 elderly individual, or disabled individual who is a resident of the
 1-35 group home or facility.

1-36 (i) It is an affirmative defense to prosecution under
 1-37 Subsection (b)(2) that before the offense the actor:

1-38 (1) notified in person the child, elderly individual,
 1-39 or disabled individual that the actor would no longer provide [~~any~~
 1-40 ~~of~~] the applicable care described by Subsection (d), and notified
 1-41 in writing the parents or a person, other than the actor, acting in
 1-42 loco parentis to the child, elderly individual, or disabled
 1-43 individual that the actor would no longer provide [~~any of~~] the
 1-44 applicable care described by Subsection (d); or

1-45 (2) notified in writing the Department of Family and
 1-46 Protective Services that the actor would no longer provide [~~any of~~]
 1-47 the applicable care described by Subsection (d).

1-48 SECTION 2. The change in law made by this Act applies only
 1-49 to an offense committed on or after the effective date of this Act.
 1-50 An offense committed before the effective date of this Act is
 1-51 governed by the law in effect on the date the offense was committed,
 1-52 and the former law is continued in effect for that purpose. For
 1-53 purposes of this section, an offense was committed before the
 1-54 effective date of this Act if any element of the offense occurred
 1-55 before that date.

1-56 SECTION 3. This Act takes effect September 1, 2021.

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