88R27799 JSC-D

By:  Menéndez, et al. S.B. No. 576

(Thierry)

Substitute the following for S.B. No. 576:

By:  Frank C.S.S.B. No. 576

A BILL TO BE ENTITLED

AN ACT

relating to the reporting, investigation, and prosecution of the criminal offense of financial abuse of an elderly individual.

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

SECTION 1.  Section 48.1522(a), Human Resources Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), if during the course of the department's or another state agency's investigation of reported abuse, neglect, or exploitation, including an investigation of reported abuse, neglect, or exploitation under Subchapter F, a caseworker of the department or other state agency, as applicable, or the caseworker's supervisor has cause to believe that the elderly person or person with a disability has been abused, neglected, or exploited by another person in a manner that constitutes a criminal offense under any law, including Sections [~~Section~~] 22.04 and 32.55, Penal Code, the caseworker or supervisor shall:

(1)  immediately notify an appropriate law enforcement agency, unless the law enforcement agency reported the alleged abuse, neglect, or exploitation to the department; and

(2)  provide the law enforcement agency with a copy of the investigation report of the department or other state agency, as applicable, in a timely manner.

SECTION 2.  Subchapter F, Chapter 48, Human Resources Code, is amended by adding Section 48.2535 to read as follows:

Sec. 48.2535.  FORWARDING CERTAIN REPORTS OF CRIMINAL CONDUCT TO LAW ENFORCEMENT. On receipt by the department of a report of alleged abuse or exploitation under this subchapter that the department believes constitutes an offense under Section 32.55, Penal Code, the department shall immediately notify an appropriate law enforcement agency, regardless of whether the report alleges conduct that constitutes abuse or exploitation for purposes of this subchapter.

SECTION 3.  Section 32.55, Penal Code, is amended by adding Subsection (f) to read as follows:

(f)  There is a rebuttable presumption that any transfer, appropriation, or use of an elderly individual's money or other property by a person described by Subsection (b)(5) is wrongful for purposes of Subsection (a)(2) or (3) if it is shown on the trial of the offense that the actor knew or should have known that, at the time of the offense, the elderly individual had been diagnosed with dementia, Alzheimer's disease, or a related disorder.

SECTION 4.  Section 48.2535, Human Resources Code, as added by this Act, applies only to a report received by the Department of Family and Protective Services on or after the effective date of this Act.

SECTION 5.  Section 32.55(f), Penal Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6.  This Act takes effect September 1, 2023.