

By: Menéndez, et al.

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,

1 is amended by adding Section 48.2535 to read as follows:

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

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

12       (f) There is a rebuttable presumption that any transfer,  
13 appropriation, or use of an elderly individual's money or other  
14 property by a person described by Subsection (b)(5) constitutes  
15 conduct in violation of this section if it is shown on the trial of  
16 the offense that the actor knew or should have known that, at the  
17 time of the offense, the elderly individual had been diagnosed with  
18 dementia, Alzheimer's disease, or a related disorder.

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

23       SECTION 5. Section 32.55(f), Penal Code, as added by this  
24 Act, applies only to an offense committed on or after the effective  
25 date of this Act. An offense committed before the effective date of  
26 this Act is governed by the law in effect on the date the offense was  
27 committed, and the former law is continued in effect for that

1 purpose. For purposes of this section, an offense was committed  
2 before the effective date of this Act if any element of the offense  
3 occurred before that date.

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