

1-1 By: Menéndez S.B. No. 576
1-2 (In the Senate - Filed January 24, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 3, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 576 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the reporting, investigation, and prosecution of the
1-22 criminal offense of financial abuse of an elderly individual.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 48.1522(a), Human Resources Code, is
1-25 amended to read as follows:

1-26 (a) Except as provided by Subsection (b), if during the
1-27 course of the department's or another state agency's investigation
1-28 of reported abuse, neglect, or exploitation, including an
1-29 investigation of reported abuse, neglect, or exploitation under
1-30 Subchapter F, a caseworker of the department or other state agency,
1-31 as applicable, or the caseworker's supervisor has cause to believe
1-32 that the elderly person or person with a disability has been abused,
1-33 neglected, or exploited by another person in a manner that
1-34 constitutes a criminal offense under any law, including Sections
1-35 [Section] 22.04 and 32.55, Penal Code, the caseworker or supervisor
1-36 shall:

1-37 (1) immediately notify an appropriate law enforcement
1-38 agency, unless the law enforcement agency reported the alleged
1-39 abuse, neglect, or exploitation to the department; and

1-40 (2) provide the law enforcement agency with a copy of
1-41 the investigation report of the department or other state agency,
1-42 as applicable, in a timely manner.

1-43 SECTION 2. Subchapter F, Chapter 48, Human Resources Code,
1-44 is amended by adding Section 48.2535 to read as follows:

1-45 Sec. 48.2535. FORWARDING CERTAIN REPORTS OF CRIMINAL
1-46 CONDUCT TO LAW ENFORCEMENT. On receipt by the department of a
1-47 report of alleged abuse or exploitation under this subchapter that
1-48 the department believes constitutes an offense under Section 32.55,
1-49 Penal Code, the department shall immediately notify an appropriate
1-50 law enforcement agency, regardless of whether the report alleges
1-51 conduct that constitutes abuse or exploitation for purposes of this
1-52 subchapter.

1-53 SECTION 3. Section 32.55, Penal Code, is amended by adding
1-54 Subsection (f) to read as follows:

1-55 (f) There is a rebuttable presumption that any transfer,
1-56 appropriation, or use of an elderly individual's money or other
1-57 property by a person described by Subsection (b)(5) constitutes
1-58 conduct in violation of this section if it is shown on the trial of
1-59 the offense that the actor knew or should have known that, at the
1-60 time of the offense, the elderly individual had been diagnosed with

2-1 dementia, Alzheimer's disease, or a related disorder.

2-2 SECTION 4. Section 48.2535, Human Resources Code, as added
2-3 by this Act, applies only to a report received by the Department of
2-4 Family and Protective Services on or after the effective date of
2-5 this Act.

2-6 SECTION 5. Section 32.55(f), Penal Code, as added by this
2-7 Act, applies only to an offense committed on or after the effective
2-8 date of this Act. An offense committed before the effective date of
2-9 this Act is governed by the law in effect on the date the offense was
2-10 committed, and the former law is continued in effect for that
2-11 purpose. For purposes of this section, an offense was committed
2-12 before the effective date of this Act if any element of the offense
2-13 occurred before that date.

2-14 SECTION 6. This Act takes effect September 1, 2023.

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