

BILL ANALYSIS

H.B. 4476
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports indicate that many elderly individuals and individuals with disabilities are abused and exploited each year. Unlike child abuse or exploitation, in which physicians may play a prominent role in detecting and reporting, it has been suggested that elderly and disabled individual abuse and exploitation has only recently attracted the attention of the medical community and social service organizations. Unfortunately, because abuse of these individuals rarely has been viewed as criminal conduct, litigation historically has been brought in civil courts. H.B. 4476 seeks to further protect these vulnerable individuals by making a person who abuses and exploits these individuals liable for damages.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4476 amends the Human Resources Code to make a person liable to an elderly person or person with a disability for damages for abuse or exploitation. The bill authorizes a claimant who prevails in a suit under the bill's provisions to recover actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown, and, in addition to an award from such a suit, to recover exemplary damages and reasonable attorney fees.

EFFECTIVE DATE

September 1, 2019.