

BILL ANALYSIS

Senate Research Center

H.B. 2222
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Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Under federal law, protection is afforded against abuse, neglect, and exploitation for an elderly individual, defined as an individual who is 60 years of age or older. H.B. 2222 lowers from 65 to 60 the age at which an individual is defined as elderly to conform with federal law and increases penalties for crimes committed against an elderly individual, a child, or a disabled individual.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.04(c)(2), Penal Code, to redefine “elderly individual.”

SECTION 2. Amends Sections 22.04(d), (f), and (g), Penal Code, as follows:

(d) Provides that the actor, including an employee of a nursing facility licensed under Chapter 242, Health and Safety Code, an assisted living facility licensed under Chapter 247, Health and Safety Code, and an intermediate care facility for the mentally retarded licensed under Chapter 252, Health and Safety Code, has assumed care, custody, or control if he has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that he has accepted responsibility for protection, food, shelter, and medical care for a child, elderly individual, or disabled individual.

(f) Provides that an offense under Subsection (a)(3) is a felony of the second, rather than third, degree when the conduct is committed intentionally or knowingly. Provides that when the conduct is engaged in recklessly it is required to be a felony of the third degree, rather than a state jail felony.

(g) Makes a conforming change.

SECTION 3. (a) Makes application of this Act prospective.

(b) Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.