

BILL ANALYSIS

Senate Research Center
78R7851 T

S.B. 827
By: Whitmire
Criminal Justice
3/25/2003
As Filed

DIGEST AND PURPOSE

Under current law, it is not a criminal offense for a person to abandon or endanger an elderly individual or a disabled individual, nor is it a criminal offense if a person who has custody, care or control of a child, an elderly individual, or disabled individual fails to provide adequate food, medical care, or shelter to that individual. As proposed, S.B. 827 amends the Penal Code to make it a criminal offense if a person abandons or endangers a child, elderly individual, 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 22.041, Penal Code, as follows:

Sec. 22.041. New heading: ABANDONING OR ENDANGERING A CHILD, AN ELDERLY INDIVIDUAL, OR A DISABLED INDIVIDUAL. (a) Redefines “abandon” and defines “elderly individual” and “disabled individual.”

(b) Provides that a person commits an offense if, having custody, care or control of child younger than 15 years, an elderly individual or a disabled individual, the person intentionally abandons that individual, rather than the child, in any place under circumstances that expose that individual, rather than child, to an unreasonable risk.

(c) Provides that a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than 15 years, an elderly individual, or a disabled individual in imminent danger of death, bodily injury, or physical or mental impairment.

(d) Provides that a person commits an offense if, having custody, care, or control of a child younger than 15 years, of an elderly individual, of or a disabled individual, he intentionally or knowingly fails to provide adequate food, medical care, or shelter for that individual.

(e) Makes conforming changes. Reletters existing Subsection (d) as (e).

(f) Makes conforming changes. Reletters existing Subsection (e) as (f).

(g) Reletters existing Subsection (f) as (g).

(h) Provides that an offense under Subsection (d) is a second degree felony.

(i) Reletters existing Subsection (g) as (i).

(j) Reletters existing Subsection (h) as (j).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.