

## **BILL ANALYSIS**

H.B. 3381  
By: Cook  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Medical child abuse occurs when a caretaker misrepresents a child's medical history in order to obtain medically unnecessary treatments for the child. While medical experts refer to this behavior by many names--Munchausen Syndrome by Proxy, Factitious Disorder by Proxy, Pediatric Condition Falsification, or Caregiver Fabricated Illness in a Child--this behavior constitutes medical child abuse. According to Tarrant County, eleven individuals have been convicted of medical child abuse since 2009, and three other individuals have been charged but are awaiting trial. Stakeholders contend that Texas' healthcare workers, child protective services caseworkers, law enforcement investigators, criminal prosecutors, and court systems are ill-equipped to identify and hold perpetrators accountable due to confusion and lack of training related to what constitutes medical child abuse. H.B. 3381, known as Alyssa's Law, is named for the daughter of Tarrant County Sheriff Bill Waybourn, who is a survivor of medical child abuse. This legislation seeks to address instances of such abuse by creating the third degree felony offense of misrepresenting medical history to obtain unnecessary medical treatment for a child, elderly individual, or disabled individual.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 3381 amends the Penal Code to create the third degree felony offense of misrepresenting medical history to obtain unnecessary medical treatment for a child, elderly individual, or disabled individual for a person who does the following:

- knowingly misrepresents the medical history of a child, elderly individual, or disabled individual to a health care institution or provider with the intent to obtain unnecessary medical treatment for the child, elderly individual, or disabled individual; and
- the unnecessary medical treatment causes the child, elderly individual, or disabled individual to suffer bodily injury or mental deficiency, impairment, or injury.

The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

**EFFECTIVE DATE**

September 1, 2023.