

BILL ANALYSIS

Senate Research Center
76R525 JMC-D

H.B. 435
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Criminal Justice
5/13/1999
Engrossed

DIGEST

Currently, there seems to be a high incidence of crimes committed against the elderly. Handy men or independent home repair contractors take advantage of the fact that the elderly have the money to pay for home repairs that they can no longer perform themselves. A study conducted for the 72nd Legislature by the House Criminal Jurisprudence Committee determined that financial losses suffered in these cases range from \$1,500 to \$20,000. H.B. 435 increases the penalty to a felony of the third degree for theft of \$1,500 to \$20,000 committed against the elderly.

PURPOSE

As proposed, H.B. 435 increases the penalty to a felony of the third degree for theft of \$1,500 to \$20,000 committed against the elderly.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.01, Penal Code, by adding Subdivision (10) which defines "elderly individual" as having the meaning assigned by Sec.22.04(c) (Injury to a Child, Elderly Individual, or Disabled Individual), which defines it as a person 65 years of age or older.

SECTION 2. Amends Section 31.03(e), Penal Code, by adding Paragraph (A) to Subdivision (5), providing that an offense under this section is a third degree felony if the value of the property stolen is \$1,500 or more, but less than \$20,000, and the property is stolen from an elderly individual. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.