

BILL ANALYSIS

Senate Research Center

H.B. 1813
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Jurisprudence
5/11/2001
Engrossed

DIGEST AND PURPOSE

Many elderly and disabled individuals rely on relatives and family to provide for some or all of their care. These individuals, along with other caretakers, have a great deal of access to a patient's personal belongings and, in the case of family members, often have access to the patient's assets and monetary holdings. Under current law, it may be difficult to prosecute a family member who knowingly steals from an elderly or disabled relative, because the law does not clearly delineate between an individual's role as a caretaker versus an individual's status as a relative. H.B. 1813 creates the offense of theft by a caretaker and establishes penalties for any caretaker who exploits an elderly or disabled individual for monetary gain.

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 32.45(a)(1), Penal Code, to redefine "fiduciary" to include an attorney in fact or agent appointed under a durable power of attorney as provided by Chapter XII, Texas Probate Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.