

BILL ANALYSIS

Senate Research Center
78R4885 EMT-F

H.B. 420
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Criminal Justice
5/22/2003
Engrossed

DIGEST AND PURPOSE

Current law increases the penalty for assault and robbery offenses committed against an elderly person, although statistics have shown that people 65 and older are substantially less likely to be victims of violent crime than are younger men and women, according to the Bureau of Justice Statistics. However, current law does not provide a penalty increase for theft or fraud committed against an elderly person, even though statistics have shown that people age 65 or older are disproportionately impacted by theft and fraud.

Of all victimizations of older people during the period of 1992–1997, ninety-two percent were property crimes, compared to 72 percent for people under 65 years old, according to the Bureau of Justice Statistics. H.B. 420 provides that the punishment for theft and certain types of fraud is increased to the next higher category of offense if the crime is committed against a person who is 65 years of age or older.

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 31.01, Penal Code, by adding Subdivision (10) to define "elderly individual."

SECTION 2. Amends Section 31.03(f), Penal Code, to include "the owner of the property appropriated was at the time of the offense an elderly individual" in describing an offense described for purposes of punishment by Subsections (e)(1)-(6) and increasing the category of offense.

SECTION 3. Amends Section 32.45, Penal Code, by adding Subsection (d) to provide that an offense described for purposes of punishment by Subsections (c)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

SECTION 4. Amends Section 32.46, Penal Code, by adding Subsection (c-1) to provide that an offense described for purposes of punishment by Subsections (b)(1)-(6) and (c) is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2003.