

BILL ANALYSIS

Senate Research Center
84R16463 ADM-D

H.B. 3977
By: Dukes; Leach (Taylor, Van)
Criminal Justice
5/24/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3977 amends current law relating to increasing the penalty for causing injury to a child and changing the eligibility for community supervision.

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 3g(a), Article 42.12, Code of Criminal Procedure, to add a reference to Section 22.04(a)(2) (providing that a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, causes serious mental deficiency, impairment, or injury to a child, elderly individual, or disabled individual) or (a-1)(1) (providing that a person commits an offense if the person is an owner, operator, or employee of an institutional care facility and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a child, elderly individual, or disabled individual who is a resident of that facility serious bodily injury) or (2) (providing that a person commits an offense if the person is an owner, operator, or employee of an institutional care facility and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a child, elderly individual, or disabled individual who is a resident of that facility serious mental deficiency, impairment, or injury), Penal Code, and makes no further change.

SECTION 2. Amends Section 4(d), Article 42.12, Code of Criminal Procedure, to add a reference to Section 3g(a)(1)(I) (providing that the provisions of Section 3 of this article do not apply to Section 22.04(a)(1), Penal Code, if the offense is punishable as a felony of the first degree and the victim of the offense is a child), Code of Criminal Procedure, and makes no further change.

SECTION 3. Amends Section 22.04, Penal Code, by amending Subsection (e) and adding Subsection (e-1), as follows:

(e) Provides that an offense under Subsection (a)(1) (providing that a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, causes a child, elderly individual, or disabled individual serious bodily injury) or (2) or (a-1)(1) or (2), except as provided by Subsection (e-1), is a felony of the first degree if the conduct was committed intentionally or knowingly, rather than when the conduct is committed intentionally or knowingly. Provides that the offense is a felony of the second degree if the conduct was engaged in recklessly, rather than provides that the offense is a felony of the second degree when the conduct is engaged in recklessly.

(e-1) Provides that an offense under Subsection (a)(1) or (2) or (a-1)(1) or (2) is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for any term of not more than 99 years or less than 10 years, if the conduct was committed intentionally or knowingly and the victim of the offense was a child at the time of the offense.

SECTION 4. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2015.