

BILL ANALYSIS

Senate Research Center

H.B. 3019
By: Burkett; Button (Menéndez)
Criminal Justice
7/17/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties express concern over the current scope of the offense of injury to a child, elderly individual, or disabled individual in relation to negligent operators of boarding home facilities. H.B. 3019 addresses this concern by including certain conduct committed by persons associated with such a facility in the conduct that constitutes that offense. (Original Author's / Sponsor's Statement of Intent)

H.B. 3019 amends current law relating to the prosecution for the offense of injury to a child, elderly individual, or disabled individual.

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 Sections 22.04(a-1) and (i), Penal Code, as follows:

(a-1) Provides that a person commits an offense if the person is an owner, operator, or employee of a group home or certain facilities, including a boarding home facility or intermediate care facility for persons with an intellectual or developmental disability, rather than mental retardation, and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a certain individual who is a resident of that group home or facility serious bodily injury, serious mental deficiency, impairment, or injury, or bodily injury.

(i) Provides that it is an affirmative defense to prosecution under Subsection (b)(2) (relating to an offense by an actor who assumed care, custody, or control of a child, elderly individual, or disabled individual and whose omission causes a certain condition) that before the offense the actor notified in writing the Department of Family and Protective Services, rather than the Department of Protective and Regulatory Services, that the actor would no longer provide any of the care described by, rather than set forth in, Subsection (d) (relating to what constitutes an actor assuming care). Makes nonsubstantive changes.

SECTION 2. Amends Section 22.04(c)(3), Penal Code, to redefine "disabled individual" to include a person with mental illness, as defined by Section 571.003 (Definitions), Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.