

AN ACT

relating to the punishment for certain property offenses committed against an elderly individual.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.01, Penal Code, is amended by adding Subdivision (10) to read as follows:

(10) "Elderly individual" has the meaning assigned by Section 22.04(c).

SECTION 2. Section 31.03(f), Penal Code, is amended to read as follows:

(f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant; ~~[or]~~

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship; or

(3) the owner of the property appropriated was at the time of the offense an elderly individual.

SECTION 3. Section 32.45, Penal Code, is amended by adding

1 Subsection (d) to read as follows:

2 (d) An offense described for purposes of punishment by
3 Subsections (c)(1)-(6) is increased to the next higher category of
4 offense if it is shown on the trial of the offense that the offense
5 was committed against an elderly individual as defined by Section
6 22.04.

7 SECTION 4. Section 32.46, Penal Code, is amended by adding
8 Subsection (c-1) to read as follows:

9 (c-1) An offense described for purposes of punishment by
10 Subsections (b)(1)-(6) and (c) is increased to the next higher
11 category of offense if it is shown on the trial of the offense that
12 the offense was committed against an elderly individual as defined
13 by Section 22.04.

14 SECTION 5. (a) The change in law made by this Act applies
15 only to an offense committed on or after the effective date of this
16 Act. For purposes of this section, an offense was committed before
17 the effective date of this Act if any element of the offense was
18 committed before that date.

19 (b) An offense committed before the effective date of this
20 Act is covered by the law in effect when the offense was committed,
21 and the former law is continued in effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2003.

Raid Swihart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 420 was passed by the House on May 8, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 420 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Lacey Shaw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 pm O'CLOCK

JUN 20 2003
Kevin Shea
Secretary of State