

1-1 By: Thierry, et al. (Senate Sponsor - Menéndez) H.B. No. 1156  
 1-2 (In the Senate - Received from the House May 14, 2021;  
 1-3 May 14, 2021, read first time and referred to Committee on Criminal  
 1-4 Justice; May 20, 2021, reported favorably by the following vote:  
 1-5 Yeas 6, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to creating the criminal offense of financial abuse of an  
 1-18 elderly individual.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended  
 1-21 by adding Section 32.55 to read as follows:

1-22 Sec. 32.55. FINANCIAL ABUSE OF ELDERLY INDIVIDUAL. (a) In  
 1-23 this section:

1-24 (1) "Elderly individual" has the meaning assigned by  
 1-25 Section 22.04.

1-26 (2) "Financial abuse" means the wrongful taking,  
 1-27 appropriation, obtaining, retention, or use of, or assisting in the  
 1-28 wrongful taking, appropriation, obtaining, retention, or use of,  
 1-29 money or other property of another person by any means, including by  
 1-30 exerting undue influence. The term includes financial  
 1-31 exploitation.

1-32 (3) "Financial exploitation" means the wrongful  
 1-33 taking, appropriation, obtaining, retention, or use of money or  
 1-34 other property of another person by a person who has a relationship  
 1-35 of confidence or trust with the other person. Financial  
 1-36 exploitation may involve coercion, manipulation, threats,  
 1-37 intimidation, misrepresentation, or the exerting of undue  
 1-38 influence. The term includes:

1-39 (A) the breach of a fiduciary relationship,  
 1-40 including the misuse of a durable power of attorney or the abuse of  
 1-41 guardianship powers, that results in the unauthorized  
 1-42 appropriation, sale, or transfer of another person's property;

1-43 (B) the unauthorized taking of personal assets;

1-44 (C) the misappropriation, misuse, or  
 1-45 unauthorized transfer of another person's money from a personal or  
 1-46 a joint account; and

1-47 (D) the knowing or intentional failure to  
 1-48 effectively use another person's income and assets for the  
 1-49 necessities required for the person's support and maintenance.

1-50 (b) For purposes of Subsection (a)(3), a person has a  
 1-51 relationship of confidence or trust with another person if the  
 1-52 person:

1-53 (1) is a parent, spouse, adult child, or other  
 1-54 relative by blood or marriage of the other person;

1-55 (2) is a joint tenant or tenant in common with the  
 1-56 other person;

1-57 (3) has a legal or fiduciary relationship with the  
 1-58 other person;

1-59 (4) is a financial planner or investment professional  
 1-60 who provides services to the other person; or

1-61 (5) is a paid or unpaid caregiver of the other person.

2-1 (c) A person commits an offense if the person knowingly  
2-2 engages in the financial abuse of an elderly individual.

2-3 (d) An offense under this section is:

2-4 (1) a Class B misdemeanor if the value of the property  
2-5 taken, appropriated, obtained, retained, or used is less than \$100;

2-6 (2) a Class A misdemeanor if the value of the property  
2-7 taken, appropriated, obtained, retained, or used is \$100 or more  
2-8 but less than \$750;

2-9 (3) a state jail felony if the value of the property  
2-10 taken, appropriated, obtained, retained, or used is \$750 or more  
2-11 but less than \$2,500;

2-12 (4) a felony of the third degree if the value of the  
2-13 property taken, appropriated, obtained, retained, or used is \$2,500  
2-14 or more but less than \$30,000;

2-15 (5) a felony of the second degree if the value of the  
2-16 property taken, appropriated, obtained, retained, or used is  
2-17 \$30,000 or more but less than \$150,000; and

2-18 (6) a felony of the first degree if the value of the  
2-19 property taken, appropriated, obtained, retained, or used is  
2-20 \$150,000 or more.

2-21 (e) A person who is subject to prosecution under both this  
2-22 section and another section of this code may be prosecuted under  
2-23 either section or both sections.

2-24 SECTION 2. This Act takes effect September 1, 2021.

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