

BILL ANALYSIS

S.B. 498
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the antiquated and potentially offensive nature of the term "ward" currently used in state law to refer to a person for whom a guardian has been appointed. S.B. 498 seeks to provide for the use of alternative terms in state law to refer to such a person.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 498 amends the Estates Code to direct the legislature, the Texas Legislative Council, and other state agencies and entities to avoid using the term "ward" in any new provision of law and to replace, as appropriate, that term in any existing law as that existing law is otherwise amended with the following preferred terms or phrases or appropriate variations of those terms or phrases: "person"; "incapacitated person"; and "person with a guardian." The bill establishes that a law is not invalid solely because it does not employ such preferred terms or phrases.

S.B. 498 establishes the term "person with a guardian" as an alternative term to refer to a person for whom a guardian has been appointed and establishes the term "alleged incapacitated person" as an alternative term to refer to a person alleged in a guardianship proceeding to be incapacitated.

S.B. 498 amends the Government Code and Property Code to make conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.