

BILL ANALYSIS

C.S.H.B. 1800
By: Lopez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that each year senior citizens lose more than \$36 billion to financial abuse and that during any five-year period more than one-third of senior citizens are affected by financial abuse. These scams can take many forms, including phone calls informing an elderly person that they have won a large sum of money and instances in which a child of an elderly person uses power of attorney rights to siphon money away from their parent. In order to protect Texas' elderly population, these exploitative crimes need to be prevented, and those who commit them need to be prosecuted. C.S.H.B 1800 seeks to address this issue by requiring a study on the effectiveness of community collaborative models in addressing the exploitation of elderly persons.

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

C.S.H.B. 1800 requires the Department of Family and Protective Services (DFPS), using existing resources, to conduct a study on the effectiveness of community collaboratives, including multidisciplinary teams, in addressing the exploitation of elderly persons 65 years of age or older. The bill defines "community collaborative" as a model under which entities with an interest in preventing that exploitation collaborate to help prevent, protect against, and prosecute the exploitation. The study must do the following:

- identify and evaluate national and state community collaborative models;
- collect certain outcome data available with respect to the various models;
- identify key models and determine the primary types of participating entities and services provided under those models;
- assess the role of the governmental provider of adult protective services within the various models and how that role contributes to outcomes;
- analyze which models have a prosecuting attorney that has an independent unit committed to investigating and prosecuting financial exploitation;
- analyze how different geographical areas of Texas that represent diverse communities with different resources and services use different models;
- determine key components of models that are effective in preventing, protecting against, and prosecuting the exploitation of elderly persons; and
- examine costs associated with effective models.

C.S.H.B. 1800 requires DFPS, in conducting the study, to consult with the Elder Financial Safety Center or another entity familiar with designing and maintaining similar community collaboratives and authorizes DFPS to consult with a local court with jurisdiction over guardianship proceedings or the office of a prosecuting attorney that has an independent unit committed to investigating and prosecuting exploitation.

C.S.H.B. 1800 requires DFPS, not later than December 1, 2022, to prepare and submit a written report to the governor, lieutenant governor, speaker of the house of representatives, and members of the applicable legislative standing committees that includes a summary of the study results and recommendations based on those results. The bill gives DFPS the option to submit the report in an electronic format. The bill's provisions expire September 1, 2023.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1800 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the manner in which the bill addresses exploitation of elderly persons by doing the following:

- omitting provisions requiring DFPS to implement a pilot program to establish community collaboratives to address financial exploitation of elderly persons, as that exploitation is defined by the Finance Code; and
- including provisions requiring DFPS instead to conduct a study on the effectiveness of existing community collaboratives in addressing the exploitation of elderly persons, as that exploitation is defined by Human Resources Code provisions governing investigations and protective services for elderly persons.

The substitute revises the applicable reporting requirement for DFPS as follows:

- revises the report contents to reflect the substitute's requirement of a study instead of the establishment of a pilot program;
- revises certain of the required recipients of the report; and
- specifies that the report is written, but gives DFPS the option to submit the report in an electronic format.

The substitute changes the bill's effective date from on passage or September 1, 2021, if the bill does not receive the necessary vote for immediate effect, to September 1, 2021.