

BILL ANALYSIS

Senate Research Center

S.B. 542
By: Barrientos
Criminal Justice
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As Filed

DIGEST

Currently, the law provides that a sexual assault is committed without the consent of another person if a mental health provider causes a patient or a former patient to submit or participate in a sexual act by exploiting that person's emotional dependence on the mental health care provider. However, current law does not extend similar penalties to other health care professionals who sexually exploit their patients or former patients. It is also unclear as to when certain licensed physicians become "mental health providers." This bill will expand the definition of "mental health provider" to include all physicians licensed under the Medical Practice Act.

PURPOSE

As proposed, S.B. 542 provides for the prosecution for sexual assault of certain doctors who cause a patient or former patient to submit or participate by exploiting the other person's emotional dependency.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.011(b), Penal Code, to provide that a sexual assault under Subsection (a)(1) is without the consent of the other person if the actor is a physician licensed under Article 4495b, V.T.C.S. (Medical Practice Act), or a chiropractor licensed under Article 4512b, V.T.C.S., who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.