

By: Kitzman

H.B. No. 5000

A BILL TO BE ENTITLED

AN ACT

relating to licensing and regulation of certain child-care facilities; providing penalties.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Subsection 42.002(26):

(26) "Unlawfully present individual" means an individual who is neither a citizen nor has a right to be present in the United States under the Immigration and Nationality Act or accompanying regulations or decisions, who is in the custody of the federal government. This term includes a child who has no lawful immigration status in the United States and:

(a) with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody, as described in 6 U.S.C. §279(g)(2); or

(b) who is detained with a parent or other adult family member who is not lawfully present in the United States.

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Subsection 42.041(a-1) to read as follows:

(a-1) Notwithstanding any other law, no person may operate a child-care facility that provides 24-hour care to individuals not lawfully present in the United States who are in the custody of the federal government without a license issued by the department.

1 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
2 is amended by adding Subsection 42.076(a-1) to read as follows:

3 (a-1) A person who operates a facility described by Section
4 42.041(a-1) without a license commits a State Jail felony.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of 2/3 of all the members elected to each house, as provided
7 by Section 39, Article III, Texas Constitution. If this Act does
8 not receive the vote necessary for immediate effect, this Act takes
9 effect September 1, 2023.