

1-1 By: Miles S.B. No. 188  
1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 17, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 188 By: Miles

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to criminal history record information checks for  
1-22 applicants for employment and employees of group homes; creating a  
1-23 criminal offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle A, Title 9, Health and Safety Code, is  
1-26 amended by adding Chapter 769 to read as follows:

1-27 CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

1-28 Sec. 769.001. DEFINITION. In this chapter, "group home"  
1-29 means an establishment that:

1-30 (1) provides, in one or more buildings, lodging to  
1-31 three or more residents who are unrelated by blood or marriage to  
1-32 the owner of the establishment; and

1-33 (2) provides those residents with community meals,  
1-34 light housework, meal preparation, transportation, grocery  
1-35 shopping, money management, laundry services, or assistance with  
1-36 self-administration of medication but does not provide personal  
1-37 care services as defined by Section 247.002.

1-38 Sec. 769.002. EXEMPTIONS. This chapter does not apply to:

1-39 (1) a person who holds a license issued under Chapter  
1-40 142, 242, 246, 247, or 252;

1-41 (2) a person, establishment, or facility exempt from  
1-42 licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

1-43 (3) a hotel as defined by Section 156.001, Tax Code;

1-44 (4) a retirement community;

1-45 (5) a monastery or convent;

1-46 (6) a child-care facility as defined by Section  
1-47 42.002, Human Resources Code;

1-48 (7) a family violence shelter center as defined by  
1-49 Section 51.002, Human Resources Code; or

1-50 (8) a sorority or fraternity house or other dormitory  
1-51 associated with an institution of higher education.

1-52 Sec. 769.003. CRIMINAL HISTORY RECORD INFORMATION  
1-53 REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY. (a)

1-54 An owner or operator of a group home shall obtain criminal history  
1-55 record information maintained by the Department of Public Safety of  
1-56 the State of Texas on each individual who is an applicant for  
1-57 employment with or an employee of the group home.

1-58 (b) An owner or operator of a group home may not hire or  
1-59 continue to employ an individual for whom the owner or operator  
1-60 obtains criminal history record information on the applicant's or

2-1 employee's conviction of an offense under Chapter 19, 20, 20A, 21,  
2-2 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code,  
2-3 or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other  
2-4 offense punishable as a Class A misdemeanor or a felony.

2-5 (c) An owner or operator of a group home who violates  
2-6 Subsection (b) commits an offense. An offense under this section is  
2-7 a Class A misdemeanor.

2-8 SECTION 2. Section 769.003, Health and Safety Code, as  
2-9 added by this Act, applies only to an application for employment  
2-10 submitted on or after the effective date of this Act.

2-11 SECTION 3. This Act takes effect September 1, 2023.

2-12 \* \* \* \* \*