

By: Miles, Blanco, West

S.B. No. 1782

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of criminal history record information for group home applicants and employees; creating a criminal offense.

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

SECTION 1. Chapter 769, Health and Safety Code, as added by Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 767, Health and Safety Code, and amended to read as follows:

CHAPTER 767 [769]. REGULATION OF CERTAIN GROUP HOMES

Sec. 767.001 [769.001]. DEFINITION. In this chapter, "group home" means an establishment that:

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

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

Sec. 767.002 [769.002]. EXEMPTIONS. This chapter does not apply to:

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

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

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

(4) a retirement community;

(5) a monastery or convent;

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

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

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

Sec. 767.003 [~~769.003~~]. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; REQUIRED RETENTION; CRIMINAL PENALTIES [~~PENALTY~~]. (a) An owner or operator of a group home shall obtain criminal history record information maintained by the Department of Public Safety of the State of Texas on each individual who is an applicant for employment with or an employee of the group home. The owner or operator of a group home shall maintain the criminal history record information described by this subsection:

(1) for an applicant who is not hired, for not less than 30 days after the date the position for which the applicant applied is filled; and

(2) for an applicant who is hired, for the duration of the employee's employment at the group home.

(a-1) The owner or operator of a group home may maintain the criminal history record information described by Subsection (a) in

1 either a physical or electronic format.

2 (b) An owner or operator of a group home may not hire or
3 continue to employ an individual for whom the owner or operator
4 obtains criminal history record information on the applicant's or
5 employee's conviction of an offense under Chapter 19, 20, 20A, 21,
6 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code,
7 or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other
8 offense punishable as a Class A misdemeanor or a felony.

9 (c) An owner or operator of a group home who violates
10 Subsection (a) or (b) commits an offense. An offense under
11 Subsection (a) is a Class B misdemeanor. An offense under
12 Subsection (b) [this section] is a Class A misdemeanor.

13 SECTION 2. Section 767.003, Health and Safety Code, as
14 amended by this Act, applies only to an application for employment
15 submitted on or after the effective date of this Act.

16 SECTION 3. To the extent of any conflict, this Act prevails
17 over another Act of the 89th Legislature, Regular Session, 2025,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 4. This Act takes effect September 1, 2025.