

BILL ANALYSIS

C.S.H.B. 1971
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, persons convicted of certain offenses are barred by law from being employed in certain facilities and homes licensed by the state. However, persons convicted of sexual offenses other than indecency with a child and persons convicted within the past five years of assault, burglary, misapplication of fiduciary property, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater are not included in the prohibition. As a consequence, persons who have demonstrated past behavior involving such offenses may be employed by the very facilities in which the elderly or disabled individuals reside.

CSHB 1971 amends the Health and Safety Code to include within the prohibition barring persons convicted of certain offenses from being employed in certain facilities and homes licensed by the state all persons convicted of any sexual offense and all persons convicted within the past five years of assault, burglary, misapplication of fiduciary property, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater.

RULEMAKING AUTHORITY

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

ANALYSIS

CSHB 1971 amends the Health and Safety Code, by prohibiting the barring of persons who are convicted of certain offenses from being employed in certain facilities and homes licensed by the state, and all persons convicted of any sexual offense. The bill prohibits all persons who have been convicted within the past five years of assault, burglary, misapplication of fiduciary property or property of financial institution, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater from employment in a position where the duties involve direct contact with a consumer in a facility before the fifth anniversary of the date the person was convicted.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1971 varies from the original by removing language pertaining to an offense under Chapter 21 of the Penal Code and adds language pertaining to an offense under Sections 21.07, 21.08, and 21.15 of the Penal Code.

CSHB 1971 makes the effect of this Act prospective; the change in law made by this Act does not apply to persons who are employed by a nursing home before the effective date of this Act.

