

By: Uresti

H.B. No. 1971

Substitute the following for H.B. No. 1971:

By: McCall

C.S.H.B. No. 1971

A BILL TO BE ENTITLED

AN ACT

relating to convictions barring employment in certain facilities serving the elderly or persons with disabilities.

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

SECTION 1. Section 250.006, Health and Safety Code, is amended to read as follows:

Sec. 250.006. CONVICTIONS BARRING EMPLOYMENT. (a) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:

(1) an offense under Chapter 19, Penal Code (criminal homicide);

(2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);

(3) an offense under Section 21.07, Penal Code (public lewdness);

(4) an offense under Section 21.08, Penal Code (indecent exposure);

(5) an offense under Section 21.11, Penal Code (indecent with a child);

(6) an offense under Section 21.15, Penal Code (improper photography or visual recording);

(7) [~~4~~] an offense under Section 22.011, Penal Code (sexual assault);

1 (8) [~~(5)~~] an offense under Section 22.02, Penal Code
2 (aggravated assault);

3 (9) [~~(6)~~] an offense under Section 22.04, Penal Code
4 (injury to a child, elderly individual, or disabled individual);

5 (10) [~~(7)~~] an offense under Section 22.041, Penal Code
6 (abandoning or endangering child);

7 (11) [~~(8)~~] an offense under Section 22.08, Penal Code
8 (aiding suicide);

9 (12) [~~(9)~~] an offense under Section 25.031, Penal Code
10 (agreement to abduct from custody);

11 (13) [~~(10)~~] an offense under Section 25.08, Penal Code
12 (sale or purchase of a child);

13 (14) [~~(11)~~] an offense under Section 28.02, Penal Code
14 (arson);

15 (15) [~~(12)~~] an offense under Section 29.02, Penal Code
16 (robbery);

17 (16) [~~(13)~~] an offense under Section 29.03, Penal Code
18 (aggravated robbery); or

19 (17) [~~(14)~~] a conviction under the laws of another
20 state, federal law, or the Uniform Code of Military Justice for an
21 offense containing elements that are substantially similar to the
22 elements of an offense listed under Subdivisions
23 (1)-(16) [~~(1)-(13)~~].

24 (b) A person [~~convicted of an offense under Chapter 31,~~
25 ~~Penal Code, that is punishable as a felony~~] may not be employed in a
26 position the duties of which involve direct contact with a consumer
27 in a facility before the fifth anniversary of the date the person is

1 convicted of:

2 (1) an offense under Section 22.01, Penal Code
3 (assault), that is punishable as a Class A misdemeanor or as a
4 felony;

5 (2) an offense under Section 30.02, Penal Code
6 (burglary and criminal trespass);

7 (3) an offense under Chapter 31, Penal Code (theft),
8 that is punishable as a felony;

9 (4) an offense under Section 32.45, Penal Code
10 (misapplication of fiduciary property or property of a financial
11 institution), that is punishable as a Class A misdemeanor or a
12 felony; or

13 (5) an offense under Section 32.46, Penal Code
14 (securing execution of a document by deception), that is
15 punishable as a Class A misdemeanor or a felony [~~the conviction~~].

16 SECTION 2. The change in law made by this Act to Section
17 250.006, Health and Safety Code, does not apply to a person who is
18 employed by a facility on the effective date of this Act for the
19 period during which the person is continuously employed by that
20 facility.

21 SECTION 3. This Act takes effect September 1, 2003.