

By: Uresti

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 Chapter 21 [~~Section 21.11~~], Penal Code (sexual offenses) [~~(indecent with a child)~~];

(4) an offense under Section 22.011, Penal Code (sexual assault);

(5) an offense under Section 22.02, Penal Code (aggravated assault);

(6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);

(7) an offense under Section 22.041, Penal Code (abandoning or endangering child);

1 (8) an offense under Section 22.08, Penal Code (aiding
2 suicide);

3 (9) an offense under Section 25.031, Penal Code
4 (agreement to abduct from custody);

5 (10) an offense under Section 25.08, Penal Code (sale
6 or purchase of a child);

7 (11) an offense under Section 28.02, Penal Code
8 (arson);

9 (12) an offense under Section 29.02, Penal Code
10 (robbery);

11 (13) an offense under Section 29.03, Penal Code
12 (aggravated robbery); or

13 (14) a conviction under the laws of another state,
14 federal law, or the Uniform Code of Military Justice for an offense
15 containing elements that are substantially similar to the elements
16 of an offense listed under Subdivisions (1)-(13).

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

22 (1) an offense under Section 22.01, Penal Code
23 (assault), that is punishable as a Class A misdemeanor or as a
24 felony;

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

27 (3) an offense under Chapter 31, Penal Code (theft),

1 that is punishable as a felony;

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

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

9 SECTION 2. This Act takes effect September 1, 2003.