

By: Talton

H.B. No. 877

A BILL TO BE ENTITLED

AN ACT

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relating to certain complaints and records with respect to certain child-care facilities and family homes; providing a criminal penalty.

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

SECTION 1. Section 42.042(c), Human Resources Code, is amended to read as follows:

(c) The department shall provide a standard procedure for receiving and recording complaints. The executive commissioner shall adopt rules regarding the receipt of anonymous complaints made regarding child-care facilities and family homes to limit the number of anonymous complaints investigated by the department.

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.0446 and 42.0447 to read as follows:

Sec. 42.0446. REMOVAL OF CERTAIN INVESTIGATION INFORMATION FROM RECORDS. The executive commissioner shall adopt rules providing a procedure by which the department removes from the department's records with respect to a child-care facility or registered family home information relating to a complaint alleging that the facility or family home failed to comply with the department's minimum standards if, at the conclusion of an investigation, the department determines that the complaint is false or lacks factual foundation.

1 Sec. 42.0447. FALSE REPORT; CRIMINAL PENALTY. (a) A
2 person commits an offense if the person knowingly or intentionally
3 files a complaint alleging that a child-care facility or registered
4 family home failed to comply with the department's minimum
5 standards and the person knows the allegation is false or lacks
6 factual foundation.

7 (b) An offense under this section is a Class A misdemeanor
8 unless it is shown on the trial of the offense that the person has
9 previously been convicted under this section, in which case the
10 offense is a state jail felony.

11 SECTION 3. Section 42.0446, Human Resources Code, as added
12 by this Act, applies to a complaint under Chapter 42, Human
13 Resources Code, with respect to a child-care facility or registered
14 family home that is pending on or filed on or after the effective
15 date of this Act.

16 SECTION 4. This Act takes effect September 1, 2005.