

AN ACT

relating to certain convictions barring employment at 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 by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(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 21.11, Penal Code (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

- 1 (abandoning or endangering child);
- 2 (8) an offense under Section 22.08, Penal Code (aiding  
3 suicide);
- 4 (9) an offense under Section 25.031, Penal Code  
5 (agreement to abduct from custody);
- 6 (10) an offense under Section 25.08, Penal Code (sale  
7 or purchase of a child);
- 8 (11) an offense under Section 28.02, Penal Code  
9 (arson);
- 10 (12) an offense under Section 29.02, Penal Code  
11 (robbery);
- 12 (13) an offense under Section 29.03, Penal Code  
13 (aggravated robbery); [~~or~~]
- 14 (14) an offense under Section 21.08, Penal Code  
15 (indecent exposure);
- 16 (15) an offense under Section 21.12, Penal Code  
17 (improper relationship between educator and student);
- 18 (16) an offense under Section 21.15, Penal Code  
19 (improper photography or visual recording);
- 20 (17) an offense under Section 22.05, Penal Code  
21 (deadly conduct);
- 22 (18) an offense under Section 22.021, Penal Code  
23 (aggravated sexual assault);
- 24 (19) an offense under Section 22.07, Penal Code  
25 (terroristic threat);
- 26 (20) an offense under Section 33.021, Penal Code  
27 (online solicitation of a minor);

1           (21) an offense under Section 34.02, Penal Code (money  
2 laundering);

3           (22) an offense under Section 35A.02, Penal Code  
4 (Medicaid fraud);

5           (23) an offense under Section 42.09, Penal Code  
6 (cruelty to animals); or

7           (24) a conviction under the laws of another state,  
8 federal law, or the Uniform Code of Military Justice for an offense  
9 containing elements that are substantially similar to the elements  
10 of an offense listed by this subsection [~~under Subdivisions~~  
11 ~~(1)-(13)~~].

12           (b) A person may not be employed in a position the duties of  
13 which involve direct contact with a consumer in a facility before  
14 the fifth anniversary of the date the person is convicted of:

15           (1) an offense under Section 22.01, Penal Code  
16 (assault), that is punishable as a Class A misdemeanor or as a  
17 felony;

18           (2) an offense under Section 30.02, Penal Code  
19 (burglary);

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

22           (4) an offense under Section 32.45, Penal Code  
23 (misapplication of fiduciary property or property of a financial  
24 institution), that is punishable as a Class A misdemeanor or a  
25 felony; [~~or~~]

26           (5) an offense under Section 32.46, Penal Code  
27 (securing execution of a document by deception), that is punishable

1 as a Class A misdemeanor or a felony;

2 (6) an offense under Section 37.12, Penal Code (false  
3 identification as peace officer); or

4 (7) an offense under Section 42.01(a)(7), (8), or (9),  
5 Penal Code (disorderly conduct).

6 (d) For purposes of this section, a person who is placed on  
7 deferred adjudication community supervision for an offense listed  
8 in this section, successfully completes the period of deferred  
9 adjudication community supervision, and receives a dismissal and  
10 discharge in accordance with Section 5(c), Article 42.12, Code of  
11 Criminal Procedure, is not considered convicted of the offense for  
12 which the person received deferred adjudication community  
13 supervision.

14 SECTION 2. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 199 passed the Senate on March 15, 2007, by the following vote: Yeas 30, Nays 0; May 21, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 25, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 199 passed the House, with amendments, on May 16, 2007, by the following vote: Yeas 147, Nays 0, one present not voting; May 25, 2007, House granted request of the Senate for appointment of Conference Committee; May 27, 2007, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, two present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor