

By: Nelson

S.B. No. 199

Substitute the following for S.B. No. 199:

By: Rose

C.S.S.B. No. 199

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain convictions barring employment at certain
3 facilities serving the elderly or persons with disabilities.

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

5 SECTION 1. Sections 250.006(a) and (b), Health and Safety
6 Code, are amended to read as follows:

7 (a) A person for whom the facility is entitled to obtain
8 criminal history record information may not be employed in a
9 facility if the person has been convicted of an offense listed in
10 this subsection:

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

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

15 (3) an offense under Section 21.11, Penal Code
16 (indecent with a child);

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

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

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

23 (7) an offense under Section 22.041, Penal Code
24 (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) an offense under Section 21.08, Penal Code
14 (indecent exposure);
- 15 (15) an offense under Section 21.12, Penal Code
16 (improper relationship between educator and student);
- 17 (16) an offense under Section 21.15, Penal Code
18 (improper photography or visual recording);
- 19 (17) an offense under Section 22.05, Penal Code
20 (deadly conduct);
- 21 (18) an offense under Section 22.021, Penal Code
22 (aggravated sexual assault);
- 23 (19) an offense under Section 22.07, Penal Code
24 (terroristic threat);
- 25 (20) an offense under Section 33.021, Penal Code
26 (online solicitation of a minor);
- 27 (21) an offense under Section 34.02, Penal Code (money

1 laundering);

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

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

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

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

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

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

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

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

25 (5) an offense under Section 32.46, Penal Code
26 (securing execution of a document by deception), that is punishable
27 as a Class A misdemeanor or a felony;

1 (6) an offense under Section 37.12, Penal Code (false
2 identification as peace officer); or
3 (7) an offense under Section 42.01(a)(7), (8), or (9),
4 Penal Code (disorderly conduct).

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