

By: Guillen

H.B. No. 2609

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to employment at or by certain facilities serving the  
3 elderly or persons with disabilities.

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

5 SECTION 1. Section 250.006(a), Health and Safety Code, is  
6 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 21.02, Penal Code  
16 (continuous sexual abuse of young child or children), or Section  
17 21.11, Penal Code (indecent with a child);

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

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

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

24 (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);
- 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 36.06, Penal Code  
6 (obstruction or retaliation);

7           (24) an offense under Section 42.09, Penal Code  
8 (cruelty to livestock animals), or under Section 42.092, Penal Code  
9 (cruelty to nonlivestock animals); or

10           (25) [~~24~~] a conviction under the laws of another  
11 state, federal law, or the Uniform Code of Military Justice for an  
12 offense containing elements that are substantially similar to the  
13 elements of an offense listed by this subsection.

14           SECTION 2. The heading to Chapter 253, Health and Safety  
15 Code, is amended to read as follows:

16           CHAPTER 253. CERTAIN EMPLOYEE MISCONDUCT; REGISTRY

17           SECTION 3. Section 253.001(5), Health and Safety Code, is  
18 amended to read as follows:

19           (5) "Reportable conduct" includes:

20                   (A) abuse or neglect that causes or may cause  
21 death or harm to a resident or consumer of a facility;

22                   (B) sexual abuse of a resident or consumer of a  
23 facility;

24                   (C) financial exploitation of a resident or  
25 consumer of a facility in an amount of \$25 or more; [~~and~~]

26                   (D) emotional, verbal, or psychological abuse  
27 that causes harm to a resident or consumer of a facility; and

1                    (E) solicitation of a gift from a resident or  
2 consumer of a facility.

3                    SECTION 4. This Act takes effect September 1, 2011.