

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 19 2011

Atty. Gen.
Secretary of the Senate

By: GUILLÉN

H.B. No. 2609

Substitute the following for H.B. No. 2609:

By: 

C.S. H.B. No. 2609

A BILL TO BE ENTITLED

AN ACT

1
2 relating to convictions barring employment at or by 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. 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
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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);
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7 or purchase of a child);
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9 (arson);
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12 (13) an offense under Section 29.03, Penal Code
13 (aggravated robbery);
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19 (improper photography or visual recording);
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21 (deadly conduct);
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23 (aggravated sexual assault);
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25 (terroristic threat);
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27 (online solicitation of a minor);

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

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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. This Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2609 by Guillen (Relating to convictions barring employment at or by certain facilities serving the elderly or persons with disabilities.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Section 250.006(a) of the Health and Safety Code by adding offenses under Sections 36.06 (obstruction or retaliation) and 42.092 (cruelty to nonlivestock animals) of the Penal Code to the list of offenses that precludes employment at a facility if a person has been convicted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, SD, CL, ML, NB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 12, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2609 by Guillen (Relating to convictions barring employment at or by certain facilities servicing the elderly or persons with disabilities.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Section 250.006(a) of the Health and Safety Code by adding offenses under Sections 36.06 (obstruction or retaliation) and 42.092 (cruelty to nonlivestock animals) of the Penal Code to the list of offenses that precludes employment at a facility if a person has been convicted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, ML, NB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2609 by Guillen (Relating to employment at or by certain facilities serving the elderly or persons with disabilities.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Section 250.006(a) of the Health and Safety Code by adding offenses under Sections 36.06 (obstruction or retaliation) and 42.092 (cruelty to nonlivestock animals) of the Penal Code to the list of offenses that precludes employment at a facility if a person has been convicted. In addition, the bill would amend Section 253.001(5) Health and Safety Code by adding, as reportable conduct, solicitation of a gift from a resident or consumer of a facility.

The Act would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, ML, MB, NB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2609 by Guillen (Relating to employment at or by certain facilities serving the elderly or persons with disabilities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Section 250.006(a) of the Health and Safety Code by adding offenses under Sections 36.06 (obstruction or retaliation) and 42.092 (cruelty to nonlivestock animals) of the Penal Code to the list of offenses that precludes employment at a facility if a person has been convicted. In addition, the bill would amend Section 253.001(5) Health and Safety Code by adding, as reportable conduct, solicitation of a gift from a resident or consumer of a facility.

The Act would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, ML, MB, NB