

BILL ANALYSIS

C.S.H.B. 424
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not require certain group homes to notify the residents of the home of a newly admitted resident who is a registered sex offender. C.S.H.B. 424 seeks to ensure that a resident of a group home or the resident's legal guardian, if applicable, receives notification of a registered sex offender who becomes a resident of the group home.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 424 amends the Health and Safety Code to require a director of a group home, as soon as practicable after a person requests to live at a group home or is assigned to live at a group home as a condition of community supervision or as a condition of release on parole or to mandatory supervision, to ascertain whether the person is registered in the sex offender registration program by consulting the Internet website maintained by the Department of Public Safety that contains the sex offender database. The bill requires the director, not later than the third day after the date the person becomes a resident of the group home, to provide notice that the person is a sex offender to the legal guardian of each current resident who has a legal guardian and directly to each other resident, if the director has ascertained that the person is a registered sex offender, and requires the notice to contain all of the information about the person that is available in the sex offender database. The bill specifies that a group home or its director is not liable under any law for damages arising from conduct required under the bill's provisions.

C.S.H.B. 424 defines "group home" as an assisted living facility, a boarding home facility, a continuing care facility, and certain supportive and transitional housing facilities and makes the bill's provisions inapplicable to a group home that accepts or is assigned only residents who are sex offenders required to register under the sex offender registration program if the residents receive treatment at the group home from a licensed sex offender treatment provider.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 424 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 325 to read as follows:

CHAPTER 325. NOTICE OF SEX OFFENDER STATUS TO RESIDENTS OF GROUP HOME

Sec. 325.001. DEFINITIONS.

Sec. 325.002. APPLICABILITY OF CHAPTER.

Sec. 325.003. SEX OFFENDER STATUS CHECK.

Sec. 325.004. NOTICE TO OTHER RESIDENTS REQUIRED. If based on information obtained under Section 325.003 the director ascertains that a person is a registered sex offender, not later than the third day after the date the person becomes a resident of the group home, the director shall provide notice to current residents of the home that the person is a sex offender. The notice must contain all of the information about the person that is available on the website described by Section 325.003.

Sec. 325.005. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

SECTION 2. The changes in law made by this Act apply to the admission of a resident to a group home that occurs on or after the effective date of this Act. An admission that occurs before the effective date of this Act is governed by the law in effect on the date of the admission, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 325 to read as follows:

CHAPTER 325. NOTICE OF SEX OFFENDER STATUS TO RESIDENTS OF GROUP HOME

Sec. 325.001. DEFINITIONS.

Sec. 325.002. APPLICABILITY OF CHAPTER.

Sec. 325.003. SEX OFFENDER STATUS CHECK.

Sec. 325.004. NOTICE TO OTHER RESIDENTS REQUIRED. If based on information obtained under Section 325.003 the director ascertains that a person is a registered sex offender, not later than the third day after the date the person becomes a resident of the group home, the director shall provide notice that the person is a sex offender to the legal guardian of each current resident who has a legal guardian and directly to each other resident. The notice must contain all of the information about the person that is available on the website described by Section 325.003.

Sec. 325.005. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.