

By: Burkett, Sheets, Fletcher

H.B. No. 424

A BILL TO BE ENTITLED

AN ACT

relating to the sex offender status of a person who becomes a resident of certain group home facilities.

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

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. In this chapter:

(1) "Director" means the administrator primarily responsible for the operation of a group home.

(2) "Group home" includes:

(A) an assisted living facility, as defined by Section 247.002;

(B) a boarding home facility, as defined by Section 260.001;

(C) a facility as defined by Section 246.002;

(D) a supportive housing facility operated by the state, a local government, or a private agency that provides supportive services to persons with mental illness, substance use conditions, or physical disabilities who require access to rehabilitative services and a stable living arrangement to maintain consistent treatment regimens; and

(E) a transitional housing facility designed to

1 facilitate the transition from inpatient to outpatient care or,
2 within a reasonable time, the transition from homelessness to
3 permanent housing for persons with serious mental illnesses,
4 substance use conditions, or physical disabilities and who may
5 require intensive case management and assistance with long-term
6 goal planning and independent living skills.

7 (3) "Resident" means a person who resides and receives
8 services at a group home.

9 Sec. 325.002. APPLICABILITY OF CHAPTER. This chapter does
10 not apply to a group home that accepts or is assigned only residents
11 who are sex offenders required to register under Chapter 62, Code of
12 Criminal Procedure, if the residents receive treatment at the group
13 home from a sex offender treatment provider who is licensed under
14 Chapter 110, Occupations Code.

15 Sec. 325.003. SEX OFFENDER STATUS CHECK. Except as
16 provided by Section 325.002, as soon as practicable after a person
17 requests to live at a group home or is assigned to live at a group
18 home as a condition of community supervision or as a condition of
19 release on parole or to mandatory supervision, the director of the
20 group home shall ascertain whether the person is registered under
21 Chapter 62, Code of Criminal Procedure, by consulting the Internet
22 website maintained by the Department of Public Safety that contains
23 the sex offender database.

24 Sec. 325.004. NOTICE TO OTHER RESIDENTS REQUIRED. If based
25 on information obtained under Section 325.003 the director
26 ascertains that a person is a registered sex offender, not later
27 than the third day after the date the person becomes a resident of

1 the group home, the director shall provide notice that the person is
2 a sex offender to the legal guardian of each current resident who
3 has a legal guardian and directly to each other resident. The
4 notice must contain all of the information about the person that is
5 available on the website described by Section 325.003.

6 Sec. 325.005. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.
7 A group home or its director is not liable under any law for damages
8 arising from conduct required under this chapter.

9 Sec. 325.006. NOTICE ABOUT CURRENT RESIDENTS. Not later
10 than March 1, 2014, the director of a group home shall ascertain, in
11 the manner provided by Section 325.003, whether any resident of the
12 group home is registered under Chapter 62, Code of Criminal
13 Procedure, and provide to the legal guardian of each current
14 resident who has a legal guardian, and directly to each other
15 resident, notice about each resident who is required to register
16 under that chapter as provided by Section 325.004. This section
17 expires April 1, 2014.

18 SECTION 2. This Act takes effect September 1, 2013.