

By: Burkett

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 to current  
2 residents of the home that the person is a sex offender. The notice  
3 must contain all of the information about the person that is  
4 available on the website described by Section 325.003.

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

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

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