

1-1 By: Burkett, Sheets, Fletcher H.B. No. 424
1-2 (Senate Sponsor - Deuell)
1-3 (In the Senate - Received from the House April 4, 2013;
1-4 April 10, 2013, read first time and referred to Committee on Health
1-5 and Human Services; May 15, 2013, reported favorably by the
1-6 following vote: Yeas 5, Nays 1; May 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Nelson	X			
1-9 Deuell	X			
1-10 Huffman			X	
1-11 Nichols	X			
1-12 Schwertner			X	
1-13 Taylor	X			
1-14 Uresti	X			
1-15 West			X	
1-16 Zaffirini		X		

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the sex offender status of a person who becomes a
1-21 resident of certain group home facilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle G, Title 4, Health and Safety Code, is
1-24 amended by adding Chapter 325 to read as follows:

1-25 CHAPTER 325. NOTICE OF SEX OFFENDER STATUS TO RESIDENTS OF GROUP
1-26 HOME

1-27 Sec. 325.001. DEFINITIONS. In this chapter:

1-28 (1) "Director" means the administrator primarily
1-29 responsible for the operation of a group home.

1-30 (2) "Group home" includes:

1-31 (A) an assisted living facility, as defined by
1-32 Section 247.002;

1-33 (B) a boarding home facility, as defined by
1-34 Section 260.001;

1-35 (C) a facility as defined by Section 246.002;

1-36 (D) a supportive housing facility operated by the
1-37 state, a local government, or a private agency that provides
1-38 supportive services to persons with mental illness, substance use
1-39 conditions, or physical disabilities who require access to
1-40 rehabilitative services and a stable living arrangement to maintain
1-41 consistent treatment regimens; and

1-42 (E) a transitional housing facility designed to
1-43 facilitate the transition from inpatient to outpatient care or,
1-44 within a reasonable time, the transition from homelessness to
1-45 permanent housing for persons with serious mental illnesses,
1-46 substance use conditions, or physical disabilities and who may
1-47 require intensive case management and assistance with long-term
1-48 goal planning and independent living skills.

1-49 (3) "Resident" means a person who resides and receives
1-50 services at a group home.

1-51 Sec. 325.002. APPLICABILITY OF CHAPTER. This chapter does
1-52 not apply to a group home that accepts or is assigned only residents
1-53 who are sex offenders required to register under Chapter 62, Code of
1-54 Criminal Procedure, if the residents receive treatment at the group
1-55 home from a sex offender treatment provider who is licensed under
1-56 Chapter 110, Occupations Code.

1-57 Sec. 325.003. SEX OFFENDER STATUS CHECK. Except as
1-58 provided by Section 325.002, as soon as practicable after a person
1-59 requests to live at a group home or is assigned to live at a group
1-60 home as a condition of community supervision or as a condition of
1-61 release on parole or to mandatory supervision, the director of the

group home shall ascertain whether the person is registered under Chapter 62, Code of Criminal Procedure, by consulting the Internet website maintained by the Department of Public Safety that contains the sex offender database.

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. A group home or its director is not liable under any law for damages arising from conduct required under this chapter.

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

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

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