

By: Zaffirini

S.B. No. 1890

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic monitoring of residents at state
3 supported living centers.

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

5 SECTION 1. Section 555.154, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 555.154. REQUIRED FORM ON ADMISSION. The executive
8 commissioner by rule shall prescribe a form that must be completed
9 and signed on a resident's admission to a center by or on behalf of
10 the resident. The form must state:

11 (1) that a person who places an electronic monitoring
12 device in a resident's room or who uses or discloses a tape or other
13 recording made by the device may be civilly liable for any unlawful
14 violation of the privacy rights of another;

15 (2) that a person who covertly places an electronic
16 monitoring device in a resident's room or who consents to or
17 acquiesces in the covert placement of the device in a resident's
18 room has waived any privacy right the person may have had in
19 connection with images or sounds that may be acquired by the device;

20 (3) that a resident or the resident's guardian or legal
21 representative is entitled to conduct authorized electronic
22 monitoring under this subchapter, subject to a resident's right to
23 object to electronic monitoring under Section 555.157(c-1), and
24 that if the center refuses to permit the electronic monitoring or

1 fails to make reasonable physical accommodations for the authorized
2 electronic monitoring the person should contact the department;

3 (4) the basic procedures that must be followed to
4 request authorized electronic monitoring;

5 (5) the manner in which this subchapter affects the
6 legal requirement to report abuse, neglect, or exploitation when
7 electronic monitoring is being conducted; and

8 (6) any other information regarding covert or
9 authorized electronic monitoring that the executive commissioner
10 considers advisable to include on the form.

11 SECTION 2. Section 555.157, Health and Safety Code, is
12 amended by amending Subsection (a) and adding Subsection (c-1) to
13 read as follows:

14 (a) A center shall permit a resident or the resident's
15 guardian or legal representative to monitor the resident's room
16 through the use of electronic monitoring devices, subject to a
17 resident's right to object to electronic monitoring under
18 Subsection (c-1).

19 (c-1) Before a center allows the installation of electronic
20 monitoring equipment in a resident's room, a center must ask each
21 resident of the room, including a resident who lacks the capacity to
22 consent to the equipment under Section 555.156(c), if the resident
23 objects to the installation of the equipment. If a resident objects
24 to the installation of the equipment, the center may not permit the
25 installation of the equipment in the room.

26 SECTION 3. The change in law made by this Act applies only
27 to a request for electronic monitoring made on or after the

1 effective date of this Act. A request for electronic monitoring
2 made before the effective date of this Act is governed by the law in
3 effect on the date the request was made, and the former law is
4 continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2015.