

## **BILL ANALYSIS**

C.S.H.B. 4372  
By: Murphy  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that there is no clear protocol for reporting cases of abuse that occur at a youth summer camp, leaving parents without sufficient information or guidance to help determine whether a camp is safe for their children. C.S.H.B. 4372 seeks to address this issue by establishing certain procedures and notice requirements relating to youth camp abuse complaints and compliance orders.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 4372 amends the Health and Safety Code to require the Department of State Health Services (DSHS), in making a determination on issuance, renewal, or revocation of a youth camp operator's license, to consider whether the youth camp employs or formerly employed an individual who was convicted of an act of sexual abuse, as defined for the offense of continuous sexual abuse of a young child or children, arising from the individual's employment with the camp.

C.S.H.B. 4372 requires the executive commissioner of the Health and Human Services Commission by rule to establish a procedure for DSHS to forward a report of alleged abuse of a camper received by DSHS to the Department of Family and Protective Services or another appropriate agency. The bill requires a youth camp operator, if a law enforcement agency notifies the operator of the investigation or conviction of an individual who is employed or was formerly employed by the camp for an applicable act of sexual abuse and the investigation or conviction arises from the individual's employment with the camp, to do the following:

- immediately notify DSHS of the investigation or conviction; and
- retain all records related to the investigation or conviction until DSHS notifies the camp that the record retention is no longer required.

C.S.H.B. 4372 requires a youth camp operator to provide notice to the public regarding the method for reporting to DSHS suspected abuse occurring at the youth camp. The bill sets out acceptable methods for providing the notice and requires DSHS, not later than December 1, 2019, to prescribe the content of the required notice.

C.S.H.B. 4372 requires DSHS to post on the DSHS website each youth camp compliance order issued by DSHS until at least the third anniversary of the date the compliance order was finally adjudicated. The bill requires a youth camp operator to include on the camp's publicly accessible website a clearly marked direct link to the web page on the DSHS website on which the department posts youth camp compliance orders issued by DSHS.

C.S.H.B. 4372 exempts a youth camp operator from the requirement to comply with the bill's provisions until January 1, 2020.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4372 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following requirements:

- a requirement for DSHS, in making a determination on issuance, renewal, or revocation of a youth camp operator's license, to consider whether the youth camp employs or formerly employed an individual who was convicted of an applicable act of sexual abuse arising from the individual's employment with the camp; and
- requirements for a youth camp operator, if a law enforcement agency notifies the operator of a certain investigation or conviction of a current or former employee for an act of sexual abuse, to immediately notify DSHS of the investigation or conviction and retain all related records until DSHS notifies the camp that the record retention is no longer required.

The substitute does not include provisions requiring a youth camp operator to make information available to the public about a complaint of abuse filed against the youth camp or the operator regarding a violation of the Texas Youth Camp Safety and Health Act or a rule adopted under the act that has been finally adjudicated, but the substitute includes provisions instead requiring DSHS to post on its website each youth camp compliance order issued by DSHS until a certain date and requiring a youth camp operator to include on the camp's publicly accessible website a clearly marked direct link to that web page.