

SENATE AMENDMENTS

2nd Printing

By: Murphy, Parker

H.B. No. 4372

A BILL TO BE ENTITLED

AN ACT

relating to youth camp abuse complaints and compliance orders.

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

SECTION 1. Chapter 141, Health and Safety Code, is amended by adding Sections 141.0051 and 141.0085 to read as follows:

Sec. 141.0051. LICENSE; CONSIDERATION OF CERTAIN CONVICTIONS. In making a determination on issuance, renewal, or revocation of a youth camp operator's license, the department shall consider whether the youth camp employs or formerly employed an individual who was convicted of an act of sexual abuse, as defined by Section 21.02, Penal Code, arising from the individual's employment with the camp.

Sec. 141.0085. REPORTS OF ABUSE; DUTIES OF YOUTH CAMP OPERATOR. (a) The executive commissioner by rule shall establish a procedure for the department to forward a report of alleged abuse of a camper that is received by the department to the Department of Family and Protective Services or another appropriate agency.

(b) If a law enforcement agency notifies a youth camp operator of the investigation or conviction of an individual who is employed or was formerly employed by the camp for an act of sexual abuse, as defined by Section 21.02, Penal Code, and the investigation or conviction arises from the individual's employment with the camp, the operator shall:

(1) immediately notify the department of the

1 investigation or conviction; and

2 (2) retain all records related to the investigation or
3 conviction until the department notifies the camp that the record
4 retention is no longer required.

5 SECTION 2. Chapter 141, Health and Safety Code, is amended
6 by adding Sections 141.0111 and 141.0112 to read as follows:

7 Sec. 141.0111. REQUIRED NOTICE ABOUT ABUSE REPORTING. (a)
8 A youth camp operator shall provide notice to the public regarding
9 the method for reporting to the department suspected abuse
10 occurring at the youth camp. The operator must provide the notice
11 by:

12 (1) posting a conspicuous sign in at least one
13 prominent location at the youth camp that is accessible to the
14 public;

15 (2) posting the information on the youth camp's
16 publicly accessible Internet website; and

17 (3) on request, making a written copy of the
18 information available to a person.

19 (b) The department shall prescribe the content of the notice
20 required by Subsection (a).

21 Sec. 141.0112. REQUIRED NOTICE ABOUT YOUTH CAMP COMPLAINTS
22 AND DISCIPLINARY ACTIONS. (a) The department shall post on the
23 department's Internet website each youth camp compliance order
24 issued by the department until at least the third anniversary of the
25 date the compliance order was finally adjudicated.

26 (b) A youth camp operator shall include on the camp's
27 publicly accessible Internet website a clearly marked direct link

1 to the web page on the department's Internet website on which the
2 department posts youth camp compliance orders issued by the
3 department.

4 SECTION 3. Not later than December 1, 2019, the Department
5 of State Health Services shall prescribe the content of the notice
6 to the public as required by Section 141.0111, Health and Safety
7 Code, as added by this Act.

8 SECTION 4. Notwithstanding Sections 141.0085, 141.0111,
9 and 141.0112, Health and Safety Code, as added by this Act, a youth
10 camp operator is not required to comply with those sections until
11 January 1, 2020.

12 SECTION 5. This Act takes effect September 1, 2019.

ADOPTED

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MAY 21 2019

as amended
Helen Graw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Whitie*

1 Amend H.B. No. 4372 (senate committee report) as follows:

2 (1) In SECTION 1 of the bill, strike added Section 141.0051,
3 Health and Safety Code (page 1, lines 23 through 29), and substitute
4 the following:

5 Sec. 141.0051. LICENSE; CONSIDERATION OF CERTAIN
6 CONVICTIONS. In making a determination on issuance, renewal, or
7 revocation of a youth camp operator's license, the department shall
8 consider whether the youth camp employs an individual who was
9 convicted of an act of sexual abuse, as defined by Section 21.02,
10 Penal Code.

11 (2) In SECTION 1 of the bill, strike added Section
12 141.0085(b), Health and Safety Code (page 1, lines 35 through 45),
13 and substitute the following:

14 (b) If a law enforcement agency notifies a youth camp
15 operator of the investigation or conviction of an individual who is
16 employed by the camp for an act of sexual abuse, as defined by
17 Section 21.02, Penal Code, that occurred at the camp, the operator
18 shall:

19 (1) immediately notify the department of the
20 investigation or conviction; and

21 (2) retain all records related to the investigation or
22 conviction until the department notifies the camp that the record
23 retention is no longer required.

24 (3) In SECTION 2 of the bill, strike added Section 141.0111,
25 Health and Safety Code (page 1, lines 48 through 61), and substitute
26 the following:

27 Sec. 141.0111. REQUIRED INFORMATION ABOUT ABUSE REPORTING.
28 A youth camp operator shall develop and maintain a written policy
29 regarding the method for reporting to the department suspected

1 abuse occurring at the camp. The operator on request of any person
2 shall provide a copy of the policy to the person.

3 (4) In SECTION 2 of the bill, strike added Section
4 141.0112(b), Health and Safety Code (page 2, lines 6 through 10),
5 and substitute the following:

6 (b) A youth camp operator shall include on the camp's
7 publicly accessible Internet website a clearly marked link to the
8 youth camp program web page on the department's Internet website.

9 (5) Strike SECTION 3 of the bill (page 2, lines 11 through
10 14) and renumber subsequent SECTIONS of the bill accordingly.

ADOPTED

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MAY 21 2019

FLOOR AMENDMENT NO.

2

BY:

Whitie

Henry Spaul
Secretary of the Senate

1 AMEND Floor Amendment No. 1 to H.B. No. 4372 as follows:

2 (1) Strike line 10 and insert the following "Penal Code,

3 that occurred at the camp."

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4372 by Murphy (Relating to youth camp abuse complaints and compliance orders.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to establish a procedure for the Department of State Health Services (DSHS) to forward a report of alleged abuse of a camper received by DSHS to the Department of Family and Protective Services (DFPS) or another appropriate agency. DFPS indicates that any increase in the number of reports of alleged abuse could be accommodated using existing resources.

The bill would also require DSHS to post on the agency's Internet website each youth camp compliance order issued by DSHS until at least the third anniversary of the date the compliance order was finally adjudicated. DSHS and HHSC indicate that the provisions of the bill could be accomplished with existing resources.

The bill would not require youth camp operators to comply with the new sections of the bill until January 1, 2020.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 529 Health and Human
Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, MNa, AKi, JQ, AN, AMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 3, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4372 by Murphy (Relating to youth camp abuse complaints and compliance orders.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to establish a procedure for the Department of State Health Services (DSHS) to forward a report of alleged abuse of a camper received by DSHS to the Department of Family and Protective Services (DFPS) or another appropriate agency. DFPS indicates that any increase in the number of reports of alleged abuse could be accommodated using existing resources.

The bill would require DSHS to prescribe the content of youth camp operator notices to the public regarding methods for reporting to DSHS suspected abuse occurring at the youth camp. The bill would also require DSHS to post on the agency's Internet 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 would require DSHS to prescribe the content of the notice to the public by December 1, 2019. The bill would not require youth camp operators to comply with the new sections of the bill until January 1, 2020.

DSHS and HHSC indicate that the provisions of the bill could be accomplished with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, JQ, MNa, AN, AMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 14, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4372 by Murphy (Relating to certain complaints filed against youth camps.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would require the Health and Human Services Commission (HHSC) to establish a procedure for the Department of State Health Services (DSHS) to forward a report of alleged abuse of a camper received by DSHS to the Department of Family and Protective Services (DFPS) or another appropriate agency. DFPS indicates that any increase in the number of reports of alleged abuse could be accommodated using existing resources.

The bill would require a youth camp operator to provide notice to the public regarding the method for reporting suspected abuse occurring at the youth camp to HHSC's Office of Inspector General and to make information available to the public about a complaint of abuse filed against the youth camp or operator regarding certain violations. The bill would require DSHS to prescribe the contents of the public notice by December 1, 2019. DSHS and HHSC indicate that the provisions of the bill could be accomplished with existing resources.

The bill would not require youth camp operators to comply with the new sections of the bill until January 1, 2020.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of

LBB Staff: WP, AKi, JQ, MNa, AN, AMa