By:  Miles, Campbell S.B. No. 1630

(In the Senate - Filed March 11, 2021; March 24, 2021, read first time and referred to Committee on Health & Human Services; May 13, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 13, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham        X

Campbell          X

Hall              X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1630 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to criminal history record information checks for applicants for employment and employees of group homes; creating a criminal offense.

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

SECTION 1.  Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

Sec. 769.001.  DEFINITION. In this chapter, "group home" means an establishment that:

(1)  provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(2)  provides those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002.

Sec. 769.002.  EXEMPTIONS. This chapter does not apply to:

(1)  a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2)  a person who is exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3)  a hotel as defined by Section 156.001, Tax Code;

(4)  a retirement community;

(5)  a monastery or convent;

(6)  a child-care facility as defined by Section 42.002, Human Resources Code;

(7)  a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8)  a sorority or fraternity house or other dormitory associated with an institution of higher education.

Sec. 769.003.  EMPLOYEES AND APPLICANTS CONVICTED OF CERTAIN OFFENSES; CRIMINAL PENALTY. (a) An owner or operator of a group home must obtain criminal history record information maintained by the Department of Public Safety of the State of Texas that relates to an individual who is an applicant for employment with or an employee of the group home.

(b)  An owner or operator of a group home may not hire or continue to employ an individual for whom the owner or operator obtains criminal history record information on the employee's or applicant's conviction of an offense under Chapter 19, 20, 20A, 21, 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, 48, or 71, Penal Code, or any other offense punishable as a Class A misdemeanor or a felony.

(c)  An owner or operator who violates Subsection (b) commits an offense. An offense under this section is a Class A misdemeanor.

SECTION 2.  Section 769.003, Health and Safety Code, as added by this Act, applies only to an application for employment submitted on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.

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