

By: Miles

S.B. No. 501

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regulation of certain group homes and other residential
3 facilities for children, elderly individuals, and individuals with
4 disabilities; creating a criminal offense.

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

6 SECTION 1. Section [125.0015](#)(a), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (a) A person who maintains a place to which persons
9 habitually go for the following purposes and who knowingly
10 tolerates the activity and furthermore fails to make reasonable
11 attempts to abate the activity maintains a common nuisance:

12 (1) discharge of a firearm in a public place as
13 prohibited by the Penal Code;

14 (2) reckless discharge of a firearm as prohibited by
15 the Penal Code;

16 (3) engaging in organized criminal activity as a
17 member of a combination as prohibited by the Penal Code;

18 (4) delivery, possession, manufacture, or use of a
19 substance or other item in violation of Chapter [481](#), Health and
20 Safety Code;

21 (5) gambling, gambling promotion, or communicating
22 gambling information as prohibited by the Penal Code;

23 (6) prostitution, promotion of prostitution, or
24 aggravated promotion of prostitution as prohibited by the Penal

- 1 Code;
- 2 (7) compelling prostitution as prohibited by the Penal
- 3 Code;
- 4 (8) commercial manufacture, commercial distribution,
- 5 or commercial exhibition of obscene material as prohibited by the
- 6 Penal Code;
- 7 (9) aggravated assault as described by Section 22.02,
- 8 Penal Code;
- 9 (10) sexual assault as described by Section 22.011,
- 10 Penal Code;
- 11 (11) aggravated sexual assault as described by Section
- 12 22.021, Penal Code;
- 13 (12) robbery as described by Section 29.02, Penal
- 14 Code;
- 15 (13) aggravated robbery as described by Section 29.03,
- 16 Penal Code;
- 17 (14) unlawfully carrying a weapon as described by
- 18 Section 46.02, Penal Code;
- 19 (15) murder as described by Section 19.02, Penal Code;
- 20 (16) capital murder as described by Section 19.03,
- 21 Penal Code;
- 22 (17) continuous sexual abuse of young child or
- 23 children as described by Section 21.02, Penal Code;
- 24 (18) massage therapy or other massage services in
- 25 violation of Chapter 455, Occupations Code;
- 26 (19) employing a minor at a sexually oriented business
- 27 as defined by Section 243.002, Local Government Code;

1 (20) trafficking of persons as described by Section
2 20A.02, Penal Code;

3 (21) sexual conduct or performance by a child as
4 described by Section 43.25, Penal Code;

5 (22) employment harmful to a child as described by
6 Section 43.251, Penal Code;

7 (23) criminal trespass as described by Section 30.05,
8 Penal Code;

9 (24) disorderly conduct as described by Section 42.01,
10 Penal Code;

11 (25) arson as described by Section 28.02, Penal Code;

12 (26) criminal mischief as described by Section 28.03,
13 Penal Code, that causes a pecuniary loss of \$500 or more; [~~or~~]

14 (27) a graffiti offense in violation of Section 28.08,
15 Penal Code;

16 (28) injury to a child, elderly individual, or person
17 with a disability in violation of Section 22.04(a-1), Penal Code;
18 or

19 (29) a criminal negligence offense as described by
20 Section 769.005, Health and Safety Code.

21 SECTION 2. Section 242.039(e), Health and Safety Code, is
22 amended to read as follows:

23 (e) Notwithstanding any other provision of this section, a
24 municipality or county shall have the authority to enact additional
25 and higher fire safety standards applicable to new construction
26 beginning on or after the effective date of this subsection.

27 SECTION 3. Subtitle A, Title 9, Health and Safety Code, is

1 amended by adding Chapter 769 to read as follows:

2 CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

3 Sec. 769.001. DEFINITIONS. In this chapter:

4 (1) "Commission" means the Health and Human Services
5 Commission.

6 (2) "Group home" means an establishment:

7 (A) in which three or more individuals who are
8 unrelated to the owner or operator of the establishment reside;

9 (B) that provides residential care services to
10 residents; and

11 (C) that receives payment or other compensation
12 from a local, state, or federal governmental entity for providing
13 residential care services to a resident.

14 (3) "Residential care services" means shelter,
15 protection, meals, health care, mobility assistance, and personal
16 care services, including bathing, dressing, and eating.

17 Sec. 769.002. APPLICABILITY OF CHAPTER. This chapter does
18 not apply to:

19 (1) a person regulated under other state or local law
20 governing the operation of a group home; or

21 (2) a facility that provides residential care services
22 under a license or permit issued as provided by other state or local
23 law.

24 Sec. 769.003. COMMISSION POWERS AND DUTIES. (a) The
25 commission may regulate group homes as necessary to protect the
26 health and safety of group home residents.

27 (b) The executive commissioner of the commission may adopt

1 rules necessary to administer this chapter and protect the health
2 and safety of group home residents.

3 Sec. 769.004. ASSUMPTION OF RESPONSIBILITY FOR RESIDENTIAL
4 CARE SERVICES. An owner or operator of a group home that advertises
5 or otherwise holds itself out as a group home and assumes care,
6 custody, or control of a resident by admitting the resident to the
7 home accepts responsibility for providing residential care
8 services to the resident in a manner that ensures the health and
9 safety of the resident.

10 Sec. 769.005. CRIMINAL OFFENSE. (a) A person described by
11 Section 769.004 commits an offense if the person with criminal
12 negligence by act or omission causes to a resident:

13 (1) serious mental deficiency, impairment, or injury;

14 or

15 (2) bodily injury.

16 (b) An offense under this section is a state jail felony,
17 unless the person has been previously convicted of an offense under
18 this section, in which case the offense is a felony of the third
19 degree.

20 SECTION 4. This Act takes effect September 1, 2021.