

BILL ANALYSIS

Senate Research Center

H.B. 1229
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Health & Human Services
5/12/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A primary duty of state government is to protect the children in the state's foster care system. In carrying out this duty, it is important for the state to encourage families to foster children and to remove any unnecessary roadblocks that may prevent families from doing so.

Accordingly, H.B. 1229 seeks to ensure that current and prospective foster parents will not be required to provide a registry of weapons present in their home and that any information about such weapons will not be used against them by the state or by a child-placing agency.

H.B. 1229 amends current law relating to the collection and confidentiality of information regarding firearms and ammunition in agency foster homes and creates a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.042, Human Resources Code, by adding Subsections (e-6), (e-7), (e-8), (e-9), and (e-10), as follows:

(e-6) Prohibits the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), and a child-placing agency that contracts with DFPS from requiring an agency foster home to:

(1) disclose the specific types of firearms and ammunition that are present in the home; or

(2) notify the child-placing agency if there is any change in the types of firearms and ammunition that are present in the home.

(e-7) Prohibits HHSC, DFPS, or child-placing agency, if HHSC, DFPS, or a child-placing agency that contracts with DFPS has or obtains information relating to the types of firearms and ammunition that are present in an agency foster home, HHSC, DFPS, or child-placing agency from using that information for any purpose other than determining whether there are firearms or ammunition present in the home.

(e-8) Provides that a child-placing agency that violates Subsection (e-7) is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. Authorizes the attorney general to bring an action to recover a civil penalty authorized under this subsection.

(e-9) Provides that information relating to the types of firearms and ammunition that are present in an agency foster home is confidential and is not subject to disclosure under Chapter 552 (Public Information), Government Code.

(e-10) Prohibits Subsections (e-6), (e-7), and (e-9) from being construed to limit the ability of HHSC or a child-placing agency to determine the presence of weapons and to verify the appropriate storage of weapons in accordance with the standards adopted under Subsection (e-1).

SECTION 2. Effective date: September 1, 2023.