

## **BILL ANALYSIS**

H.B. 1229  
By: Harris, Cody  
Community Safety, Select  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1229 amends the Human Resources Code to make confidential and exempt from disclosure under state public information law information relating to the types of weapons, including firearms, that are present in an agency foster home. With respect to this information, the bill does the following:

- prohibits the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), or a child-placing agency that contracts with DFPS from requiring an agency foster home to disclose such information or notify the child-placing agency if there is any change in the types of weapons that are present in the home;
- prohibits HHSC, DFPS, or the child-placing agency from using any such information it has or obtains for any purpose other than determining whether there are weapons present in the agency foster home;
- makes a child-placing agency that uses information in violation of that prohibition liable to the state for a civil penalty in an amount capped at \$5,000 for each violation; and
- authorizes the attorney general to bring an action to recover such a civil penalty.

### **EFFECTIVE DATE**

September 1, 2023.