

BILL ANALYSIS

S.B. 187
By: Miles
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In September 2020, a 911 response to a rogue boarding home in Harris County revealed that a three-bedroom, one-bathroom, single-family residence was housing almost 40 individuals in poor condition. This response uncovered individuals with gaping wounds and obvious neglect and revealed allegations of coerced sexual acts and prostitution. As a result of an investigation into this issue, it became apparent that loopholes exist allowing unchecked abuse and neglect in boarding homes. S.B. 187 seeks to help protect residents of boarding homes by creating a state jail felony offense for a person who has reasonable cause to believe that a resident of a group home has suffered bodily injury due to assault, neglect, or an omission in care and fails to report that fact to the Department of Family and Protective Services or law enforcement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

S.B. 187 amends the Penal Code to create the state jail felony offense of failure to report assault, neglect, or omission of care in certain group homes for a person who has reasonable cause to believe that a group home resident has suffered bodily injury due to assault, neglect, or an omission in care and who fails to report that fact to law enforcement or the Department of Family and Protective Services. The bill defines "group home" as an establishment that provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the establishment's owner and that 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 the Assisted Living Facility Licensing Act.

S.B. 187 establishes that it is an exception to the application of the offense that:

- the actor is a person who:
 - holds a license issued under Health and Safety Code provisions relating to home and community support services or is exempt from that licensing because the actor provides home health, hospice, habilitation, or personal assistance services only to persons receiving benefits under the home and community-based services (HCS) waiver program, the Texas home living (TxHmL) waiver program, the STAR + PLUS or other Medicaid managed care program under the program's

HCS or TxHmL certification, or Government Code provisions relating to the delivery of certain other services under the STAR + PLUS Medicaid managed care program and by waiver program providers;

- holds a license issued under Health and Safety Code provisions relating to convalescent and nursing facilities and related institutions or is exempt from that licensing by virtue of being an establishment that is conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, and that complies with safety, sanitary, and quarantine laws and rules;
- holds a license issued under the Texas Continuing Care Facility Disclosure and Rehabilitation Act;
- holds a license issued under the Assisted Living Facility Licensing Act or is exempt from that licensing by virtue of being a facility that provides personal care services only to persons enrolled in a program that is funded in whole or in part by the Health and Human Services Commission or the Department of State Health Services and that is monitored by the applicable agency or local intellectual and developmental disability authority or local mental health authority; or
- holds a license issued under Health and Safety Code provisions relating to intermediate care facilities for individuals with an intellectual disability; or
- the injury occurs in:
 - an establishment or facility exempt from licensing as previously specified;
 - a hotel as defined by Tax Code provisions relating to hotel occupancy tax;
 - a retirement community;
 - a monastery or convent;
 - a child-care facility as defined by Human Resources Code provisions relating to the regulation of certain facilities, homes, and agencies that provide child-care services;
 - a family violence shelter center as defined by Human Resources Code provisions relating to family violence centers; or
 - a sorority or fraternity house or other dormitory associated with an institution of higher education.

S.B. 187 authorizes an actor whose conduct constitutes an offense under the bill's provisions and an offense under any other law to be prosecuted under the bill's provisions, the other law, or both.

EFFECTIVE DATE

September 1, 2023.