

BILL ANALYSIS

Senate Research Center
88R10572 MCF-D

C.S.S.B. 187
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Health & Human Services
4/13/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In September of 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 one response revealed gaping wounds, obvious neglect, and even allegations of coerced sexual acts and prostitution.

As a result of investigation into this issue, it became apparent that loopholes existed that allowed unchecked abuse and neglect in boarding homes. S.B. 187 seeks to help protect residents of boarding homes by amending the Penal Code by adding Section 38.172 (Failure to Report Assault, Neglect, or Omission of Care in Certain Group Homes). This section creates a state jail felony offense for a person who has reasonable cause to believe that a resident of a group home is being abused or neglected and fails to report that abuse to the Department of Family and Protective Services or law enforcement.

The committee substitute clarifies the definition of a "group home." The substitute makes no other changes to the bill.

C.S.S.B. 187 amends current law relating to failure to report assault, neglect, or omission of care in certain group homes and creates a criminal offense.

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 Chapter 38, Penal Code, by adding Section 38.172, as follows:

Sec. 38.172. FAILURE TO REPORT ASSAULT, NEGLECT, OR OMISSION OF CARE IN CERTAIN GROUP HOMES. (a) Defines "group home."

(b) Provides that a person commits an offense if the person:

- (1) 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
- (2) fails to report that fact to law enforcement or the Department of Family and Protective Services.

(c) Provides that it is an exception to the application of this section that:

- (1) the actor is a person who holds a license issued under Chapter 142 (Home and Community Support Services), 242 (Convalescent and Nursing Facilities and Related Institutions), 246 (Continuing Care Facilities), 247 (Assisted Living Facilities), or 252 (Intermediate Care Facilities for Individuals With an Intellectual Disability), Health and Safety Code, or who is exempt from licensing under Section

142.003(a)(19) (relating to providing that a person that provides home health, hospice, habilitation, or personal assistance services only to persons receiving benefits under certain programs need not be licensed under Chapter 142), 242.003(3) (relating to providing that Chapter 242 does not apply to an establishment 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), or 247.004(4) (relating to providing that Chapter 247 does not apply to a facility that provides personal care services only to persons enrolled in a certain program), Health and Safety Code; or

(2) the injury occurs in:

(A) an establishment or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4), Health and Safety Code;

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

(C) a retirement community;

(D) a monastery or convent;

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

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

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

(d) Provides that an offense under this section is a state jail felony.

(e) Authorizes the actor, if conduct constituting an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 2. Effective date: September 1, 2023.