

BILL ANALYSIS

S.B. 188
By: Miles
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Families who have relatives in group homes are advocating for additional protections for their loved ones. An *Austin American-Statesman* investigation revealed that since 2010, state agencies have investigated 80,000 allegations of abuse, neglect and exploitation in group homes serving the intellectual and developmental disability (IDD) population. Criminal background checks of employees in these group homes are crucial for ensuring the safety and well-being of Texas' most vulnerable individuals. Individuals with IDD are usually unable to defend themselves against abuse, neglect, or exploitation. A criminal background check can help identify any history of violent or abusive behavior by potential employees, ensuring that vulnerable individuals are not put at risk. S.B. 188 seeks to require background checks on all group home employees and prohibit an operator or owner of a home from hiring or retaining an employee if that person has committed certain criminal offenses. The legislation provides for a criminal penalty for violating this requirement.

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. 188 amends the Health and Safety Code to require the owner or operator of certain group homes to obtain criminal history record information maintained by the Department of Public Safety on each individual who is an applicant for employment with or an employee of the group home. The bill prohibits the owner or operator from hiring or continuing to employ an individual for whom the owner or operator obtains criminal history record information on the applicant's or employee's conviction of any offense categorized as the following:

- an offense against the person;
- an offense against the family;
- an offense against property;
- certain conduct affecting public health;
- organized crime; or
- any other offense punishable as a Class A misdemeanor or a felony.

The bill creates a Class A misdemeanor offense for an owner or operator who violates that prohibition.

S.B. 188 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 them with personal care services such as feeding, dressing, moving, or bathing. The bill does not apply to the following:

- the holder of a license issued under the Texas Continuing Care Facility Disclosure and Rehabilitation Act, the Assisted Living Facility Licensing Act, or statutory provisions relating to home and community support services, convalescent and nursing facilities and related institutions, or intermediate care facilities for individuals with an intellectual disability;
- a hotel and related establishments in which members of the public obtain sleeping accommodations for consideration;
- a retirement community;
- a monastery or convent;
- a licensed, certified, or registered child-care facility;
- a family violence shelter center; or
- a sorority or fraternity house or other dormitory associated with an institution of higher education.

S.B. 188 applies only to an application for employment submitted on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.