

BILL ANALYSIS

Senate Research Center

S.B. 189
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Health & Human Services
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Enrolled

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 squalor. From gaping wounds, to obviously apparent neglect, and even allegations of coerced sexual acts and prostitution, the boarding home was unacceptable. Unfortunately, these occurrences happen far too often.

As a result of investigation into this issue, it became apparent that the owner of the building leased the facility to the boarding home operator. They were aware of the abuse and neglect, but failed to report it. Interested parties, from law enforcement to above-board group home operators, corroborated this issue as a flawed feature of this industry.

S.B. 189 creates a Class A misdemeanor for owners of a building who lease it to an operator of a boarding home facility and have actual knowledge of abuse, neglect, or exploitation of residents in the facility but fail to report such offenses to the Department of Family and Protective Services.

S.B. 189 amends current law relating to the creation of a criminal offense concerning the failure of certain persons to report mistreatment of residents of group homes.

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 260, Health and Safety Code, by adding Section 260.0091, as follows:

Sec. 260.0091. REQUIRED REPORT BY LESSOR OF ABUSE, NEGLECT, OR EXPLOITATION; CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person:

- (1) owns a building that the person leases to another person who operates a boarding home facility in the building;
- (2) has actual knowledge that a resident of the boarding home facility is being or has been abused, neglected, or exploited; and
- (3) fails to report the abuse, neglect, or exploitation to the Department of Family and Protective Services (DFPS) for investigation by that agency.

(b) Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Amends Section 260.010(a), Health and Safety Code, as follows:

(a) Requires that the report by each county or municipality that requires a person to obtain a boarding home facility permit under Section 260.004 (Local Regulation) include certain information, including the total number of incidents occurring at each boarding home facility that required the intervention of a peace officer as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure. Makes nonsubstantive changes.

SECTION 3. 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 actual knowledge 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 DFPS.

(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 certain chapters or subdivisions of the Health and Safety Code; or

(2) the injury occurs in:

(A) an establishment or facility exempt from licensing under certain subdivisions of the 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 Class A misdemeanor.

(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 4. Effective date: September 1, 2023.