

## **BILL ANALYSIS**

Senate Research Center  
88R1355 EAS-D

S.B. 189  
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Health & Human Services  
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As Filed

### **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.

As proposed, S.B. 189 amends current law relating to the creation of a criminal offense concerning the failure of certain persons to report abuse, neglect, or exploitation in boarding home facilities.

### **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 for investigation by that agency.

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

SECTION 2. Effective date: September 1, 2023.