By:  Harris of Anderson, et al. H.B. No. 1229

     (Senate Sponsor - Birdwell)

(In the Senate - Received from the House May 4, 2023; May 5, 2023, read first time and referred to Committee on Health & Human Services; May 19, 2023, reported favorably by the following vote: Yeas 5, Nays 3; May 19, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco                X

Hall              X

Hancock                     X

Hughes            X

LaMantia              X

Miles                 X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to the collection and confidentiality of information regarding firearms and ammunition in agency foster homes; creating a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 42.042, Human Resources Code, is amended by adding Subsections (e-6), (e-7), (e-8), (e-9), and (e-10) to read as follows:

(e-6)  The commission, the department, and a child-placing agency that contracts with the department may not require an agency foster home to:

(1)  disclose the specific types of firearms and ammunition that are present in the home; or

(2)  notify the child-placing agency if there is any change in the types of firearms and ammunition that are present in the home.

(e-7)  If the commission, the department, or a child-placing agency that contracts with the department has or obtains information relating to the types of firearms and ammunition that are present in an agency foster home, the commission, department, or child-placing agency may not use that information for any purpose other than determining whether there are firearms or ammunition present in the home.

(e-8)  A child-placing agency that violates Subsection (e-7) is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. The attorney general may bring an action to recover a civil penalty authorized under this subsection.

(e-9)  Information relating to the types of firearms and ammunition that are present in an agency foster home is confidential and is not subject to disclosure under Chapter 552, Government Code.

(e-10)  Subsections (e-6), (e-7), and (e-9) may not be construed to limit the ability of the commission or a child-placing agency to determine the presence of weapons and to verify the appropriate storage of weapons in accordance with the standards adopted under Subsection (e-1).

SECTION 2.  This Act takes effect September 1, 2023.

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