

By: Miles

S.B. No. 187

A BILL TO BE ENTITLED

AN ACT

relating to failure to report assault, neglect, or omission of care in certain group homes; creating a criminal offense.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.172 to read as follows:

Sec. 38.172. FAILURE TO REPORT ASSAULT, NEGLIGENCE, OR OMISSION OF CARE IN CERTAIN GROUP HOMES. (a) In this section, "group home" means an establishment that:

(1) provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(2) 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 personal care services as defined by Section 247.002, Health and Safety Code.

(b) 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.

1        (c) It is an exception to the application of this section  
2 that:

3            (1) the actor is a person who holds a license issued  
4 under Chapter 142, 242, 246, 247, or 252, Health and Safety Code, or  
5 who is exempt from licensing under Section 142.003(a)(19),  
6 242.003(3), or 247.004(4), Health and Safety Code; or

7            (2) the injury occurs in:

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

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

13                   (C) a retirement community;

14                   (D) a monastery or convent;

15                   (E) a child-care facility as defined by Section  
16 42.002, Human Resources Code;

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

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

21        (d) An offense under this section is a state jail felony.

22        (e) If conduct constituting an offense under this section  
23 also constitutes an offense under any other law, the actor may be  
24 prosecuted under this section, the other law, or both.

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