

AN ACT

relating to criminal history record information checks for applicants for employment and employees of group homes; creating a criminal offense.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

Sec. 769.001. DEFINITION. In this chapter, "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.

Sec. 769.002. EXEMPTIONS. This chapter does not apply to:

(1) a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2) a person, establishment, or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3) a hotel as defined by Section 156.001, Tax Code;

1           (4) a retirement community;

2           (5) a monastery or convent;

3           (6) a child-care facility as defined by Section  
4 42.002, Human Resources Code;

5           (7) a family violence shelter center as defined by  
6 Section 51.002, Human Resources Code; or

7           (8) a sorority or fraternity house or other dormitory  
8 associated with an institution of higher education.

9           Sec. 769.003. CRIMINAL HISTORY RECORD INFORMATION  
10 REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY. (a)  
11 An owner or operator of a group home shall obtain criminal history  
12 record information maintained by the Department of Public Safety of  
13 the State of Texas on each individual who is an applicant for  
14 employment with or an employee of the group home.

15           (b) An owner or operator of a group home may not hire or  
16 continue to employ an individual for whom the owner or operator  
17 obtains criminal history record information on the applicant's or  
18 employee's conviction of an offense under Chapter 19, 20, 20A, 21,  
19 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code,  
20 or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other  
21 offense punishable as a Class A misdemeanor or a felony.

22           (c) An owner or operator of a group home who violates  
23 Subsection (b) commits an offense. An offense under this section is  
24 a Class A misdemeanor.

25           SECTION 2. Section 769.003, Health and Safety Code, as  
26 added by this Act, applies only to an application for employment  
27 submitted on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 188 passed the Senate on April 27, 2023, by the following vote: Yeas 29, Nays 2.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 188 passed the House on May 9, 2023, by the following vote: Yeas 114, Nays 28, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor