

AN ACT

relating to the creation of a criminal offense concerning the failure of certain persons to report mistreatment of residents of group homes.

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

SECTION 1. Chapter 260, Health and Safety Code, is amended by adding Section 260.0091 to read as follows:

Sec. 260.0091. REQUIRED REPORT BY LESSOR OF ABUSE, NEGLECT, OR EXPLOITATION; CRIMINAL PENALTY. (a) 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) An offense under this section is a Class A misdemeanor.

SECTION 2. Section 260.010(a), Health and Safety Code, is amended to read as follows:

(a) Not later than September 30 of each year following the establishment of a county or municipal permitting requirement under this chapter, each county or municipality that requires a person to

1 obtain a boarding home facility permit under Section 260.004 shall
2 submit to the commission a report. The report must include:

3 (1) the total number of:

4 (A) boarding home facilities permitted during
5 the preceding state fiscal year;

6 (B) boarding home facility applications denied
7 permitting, including a summary of cause for denial; and

8 (C) boarding home facility permits active on
9 August 31 of the preceding state fiscal year;

10 (2) the total number of residents reported housed in
11 each boarding home facility reported;

12 (3) the total number of inspections conducted at each
13 boarding home facility by the county or municipality that requires
14 the permit; ~~and~~

15 (4) the total number of permits revoked or suspended
16 as a result of an inspection described by Subdivision (3) and a
17 summary of the outcome for the residents displaced by revocation or
18 suspension of a permit; and

19 (5) the total number of incidents occurring at each
20 boarding home facility that required the intervention of a peace
21 officer as defined by Article 2.12, Code of Criminal Procedure.

22 SECTION 3. Chapter 38, Penal Code, is amended by adding
23 Section 38.172 to read as follows:

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

27 (1) provides, in one or more buildings, lodging to

1 three or more residents who are unrelated by blood or marriage to
2 the owner of the establishment; and

3 (2) provides those residents with community meals,
4 light housework, meal preparation, transportation, grocery
5 shopping, money management, laundry services, or assistance with
6 self-administration of medication but does not provide personal
7 care services as defined by Section 247.002, Health and Safety
8 Code.

9 (b) A person commits an offense if the person:

10 (1) has actual knowledge that a resident of a group
11 home has suffered bodily injury due to assault, neglect, or an
12 omission in care; and

13 (2) fails to report that fact to law enforcement or the
14 Department of Family and Protective Services.

15 (c) It is an exception to the application of this section
16 that:

17 (1) the actor is a person who holds a license issued
18 under Chapter 142, 242, 246, 247, or 252, Health and Safety Code, or
19 who is exempt from licensing under Section 142.003(a)(19),
20 242.003(3), or 247.004(4), Health and Safety Code; or

21 (2) the injury occurs in:

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

25 (B) a hotel as defined by Section 156.001, Tax
26 Code;

27 (C) a retirement community;

1 (D) a monastery or convent;

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

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

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

8 (d) An offense under this section is a Class A misdemeanor.

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

12 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 189 passed the Senate on April 20, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 189 passed the House, with amendment, on May 23, 2023, by the following vote: Yeas 111, Nays 35, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor