

BILL ANALYSIS

C.S.S.B. 2623
By: Creighton
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that although services provided to assist individuals experiencing homelessness to reintegrate into stable living conditions are essential to support vulnerable populations, their proximity to schools has caused concerns for students' safety and well-being and requires action to maintain a safe and secure environment for students, families, and communities. C.S.S.B. 2623 seeks to address these concerns by creating an expansive oversight framework for the provision of navigation services with the safety of Texas schoolchildren in mind while providing for exemptions for health care facilities and service providers exhibiting best practices.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 2623 amends the Local Government Code to provide for the establishment and enforcement of school safety zones with respect to navigation services. The bill defines the following terms:

- "navigation services" as services that assist individuals experiencing homelessness to access shelter, meals, medical care, substance abuse treatment, mental health services, employment resources, housing placement, and other services necessary for reintegration into stable living conditions, excluding the provision of emergency care or inpatient care;
- "school safety zone" as the premises of an independent school district campus that does not operate an adult education program, a public institution of higher education, or a park; and
- "service provider" as an organization or government-funded facility operator that provides navigation services.

The bill applies only to the provision of navigation services by a service provider using public funds to provide the services.

Safe Schools and Neighborhoods Task Force

C.S.S.B. 2623 establishes the safe schools and neighborhoods task force composed of 11 members, appointed by the governor as soon as practicable after the bill's effective date, as follows:

- one member who represents the Department of Public Safety;
- one member who represents the attorney general;
- the chief of school safety and security for the Texas Education Agency;
- one member who represents the Texas Department of Housing and Community Affairs (TDHCA);
- one member who represents the Health and Human Services Commission;
- one member of the State Board of Education;
- one member who represents the Texas Higher Education Coordinating Board;
- one member who represents a faith-based service provider;
- one member who represents a nonprofit service provider;
- one member who represents the Texas Conference of Urban Counties; and
- one member who represents the Texas Municipal League.

The bill requires the governor to appoint one member of the task force to serve as chair.

C.S.S.B. 2623 requires the task force to do the following:

- identify each facility in Texas providing navigation services within 1,500 feet of a school safety zone;
- for each facility identified:
 - notify the municipality in which the facility is located or, if the facility is located in the unincorporated area of a county, the county in which the facility is located;
 - identify the service provider operating the facility and the specific services being provided at the facility;
 - provide written notice to the facility and the service provider that, if the task force determines that the facility is providing navigation services within 1,500 feet of a school safety zone in violation of the bill's provisions, the service provider is required to stop providing navigation services at the facility not later than the 30th day after the date the service provider receives the written notice or be subject to the penalties provided by the bill; and
 - determine whether a service provider that is required by the bill to stop providing navigation services at the facility has stopped providing the services within that 30-day period and give notice of the task force's determination to the municipality or county, as applicable, in which the facility is located; and
- develop and make legislative recommendations relating to the provision of navigation services, including regulation of service providers and policies or laws that the task force determines may be necessary to ensure the safe provision of navigation services.

The bill requires the task force, not later than January 1 of each even-numbered year, to provide a written report of the legislative recommendations of the task force to the governor, lieutenant governor, and each member of the legislature.

C.S.S.B. 2623 requires the task force to provide the initial written report not later than September 1, 2026. This provision expires January 1, 2027.

C.S.S.B. 2623 requires the task force, in consultation with TDHCA and the Department of State Health Services (DSHS), to develop recommendations on legislation to require a service provider to obtain a license from TDHCA to operate. Any recommendations developed under the bill must be included in the task force's initial report. These provisions expire January 1, 2027.

Prohibitions and Enforcement

C.S.S.B. 2623 prohibits a service provider from providing navigation services at a facility located within 1,500 feet of a school safety zone. The bill requires a service provider that receives notice from the task force of the task force's determination that a facility operated by the service provider is providing navigation services within 1,500 feet of a school safety zone in violation of this prohibition to stop providing navigation services at the facility not later than

the 30th day after the date the service provider receives the notice. The bill requires a municipality or county that receives notice from the task force of the task force's determination that a facility has failed to stop providing navigation services within that 30-day period to do the following not later than the seventh day after the date the municipality or county receives the notice:

- if the facility is operated by the municipality or county, stop providing navigation services at the facility; or
- if the facility is operated by a service provider, direct the police or sheriff's department, as applicable, to order the service provider operating the facility to stop providing navigation services at the facility.

C.S.S.B. 2623 makes a service provider that the attorney general determines has violated the prohibition and that does not stop providing navigation services as ordered liable to the state for a civil penalty of \$5,000 for each day after the date the service provider receives the order. The bill authorizes the attorney general to bring an action for injunctive relief or to recover such a civil penalty and to direct the secretary of state to revoke or terminate a service provider's registration or certificate of formation. The bill waives governmental immunity to suit and from liability to the extent of liability created by the bill. The bill authorizes the attorney general to recover reasonable attorney's fees and court costs incurred in bringing such an action.

C.S.S.B. 2623 prohibits an independent school district from doing the following:

- locating a new campus within 1,500 feet of a facility that is providing navigation services and at which the service provider operating the facility intends to provide navigation services at the time the new independent school district campus is open to students; and
- reopening a closed campus or other property serving students of the district if the campus or other property is located within 1,500 feet of a facility providing navigation services.

The bill requires a school district board of trustees to consult with the task force to implement these prohibitions.

Applicability and Task Force Considerations

C.S.S.B. 2623 does not apply to navigation services provided as follows:

- at a location operating as an emergency shelter during a declared state of disaster or a declared local state of disaster;
- at a facility located between 300 feet and 1,500 feet from a school safety zone, if the service provider operating the facility demonstrates to the task force that the provision of navigation services at the facility does not affect school safety and the task force, after consideration of the applicable factors, determines that the provision of navigation services at the facility does not affect school safety;
- within 1,500 feet of a public institution of higher education, if the governing body of the institution by official action elects to authorize the provision of navigation services within 1,500 feet of the institution and gives notice of the governing body's determination to the task force and the municipality and county within which the institution is located;
- at a facility located within 1,500 feet of an independent school district campus or institution of higher education that is more than 20 acres in area;
- by an independent school district to enrolled students and families of enrolled students of the district;
- by a municipal or county jail;
- by a hospital or health system or a contracted or employed affiliate of a hospital or health system operating under the Texas Hospital Licensing Law;
- by a local mental health authority, defined by reference to Health and Safety Code provisions generally applicable to mental health and intellectual disability services;
- by a local behavioral health authority designated by DSHS;
- by a hospital district created under the applicable state constitutional authority;

- by a federally qualified health center as defined by federal law or a federally qualified health center look-alike organized and operated under the authority of and in compliance with federal law;
- by a facility offering chemical dependency treatment;
- by a facility offering a narcotic drug treatment program;
- by a community center;
- by a mental health facility;
- by a family violence center; or
- at a facility located within 1,500 feet of a school safety zone that is separated from the school safety zone by a state highway or controlled access highway.

C.S.S.B. 2623 requires the task force to consider the following information in determining whether the provision of navigation services at a facility does not affect school safety:

- the effect of the provision of navigation services at the facility on public health and safety within 1,500 feet of the facility, including the number of calls for service from a law enforcement or fire protection agency or calls for emergency medical services to an address within 500 feet of the facility within the last 12 months;
- the type of clients the facility serves, including the degree to which the facility serves children, families, or single adults;
- the type of services the facility provides, including shelter, drug treatment, and mental health services;
- whether the facility requires clients to enter into a contract for service that prohibits the use of drugs or alcohol, and the effectiveness of the contract program; and
- support for or opposition to the facility from:
 - individuals residing within 1,500 feet of the facility;
 - businesses operating within 1,500 feet of the facility;
 - elected officials of the municipality, county, or school district in which the facility is located; and
 - other service providers of facilities that provide navigation services within 1,500 feet of a school safety zone.

Definitions

C.S.S.B. 2623 defines the following terms for purposes of its provisions:

- "emergency care" as bona fide emergency services provided after a sudden onset of a medical or traumatic condition manifested by acute symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to:
 - place the patient's health in serious jeopardy;
 - result in serious impairment to the patient's bodily functions; or
 - result in serious dysfunction of any bodily organ or body part of the patient;
- "park" as any outdoor facility that is not on the premises of a school, is intended for recreation, and is open to the public; and
- "premises" by reference to the Texas Controlled Substances Act.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2623 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision absent from the engrossed establishing that the bill's provisions do not apply to navigation services provided by a community center.

While both the engrossed and the substitute define "school safety zone" as the premises of an independent school district campus that does not operate an adult education program or the premises of an institution of higher education, the substitute includes in that definition the premises of a park. Accordingly, the substitute includes a provision absent from the engrossed defining "park."