

By: Miles, West

S.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

relating to group home consultant referrals; creating a criminal offense.

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

SECTION 1. Chapter 769, Health and Safety Code, as added by Chapter 141 (S.B. 188), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Chapter 767, Health and Safety Code, and amended to read as follows:

CHAPTER 767 [769]. REGULATION OF CERTAIN GROUP HOMES

Sec. 767.001 [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. 767.002 [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

1 licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

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

3 (4) a retirement community;

4 (5) a monastery or convent;

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

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

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

11 Sec. 767.003 [~~769.003~~]. CRIMINAL HISTORY RECORD
12 INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL
13 PENALTY. (a) An owner or operator of a group home shall obtain
14 criminal history record information maintained by the Department of
15 Public Safety of the State of Texas on each individual who is an
16 applicant for employment with or an employee of the group home.

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

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

27 Sec. 767.004. GROUP HOME CONSULTANT REFERRALS; CRIMINAL

1 PENALTY. (a) In this section, "group home consultant" means a
2 person with knowledge of group homes who:

3 (1) refers potential residents of a group home to
4 specific group homes; and

5 (2) collects compensation for the referral.

6 (b) Except as provided by Subsection (c) and subject to
7 Subsection (d), a group home consultant may not refer a potential
8 resident to a group home operated by a person who does not hold a
9 license or permit for the group home issued in accordance with
10 applicable state laws or local regulations.

11 (c) Subject to Subsection (d), a group home consultant may
12 refer a potential resident to an unlicensed or unpermitted group
13 home only if:

14 (1) no group home is licensed or permitted to operate
15 in the geographic region where the potential resident desires to
16 reside; or

17 (2) the potential resident or potential resident's
18 family cannot afford the cost of residing in a licensed or permitted
19 group home referred by the group home consultant in the region where
20 the potential resident desires to reside.

21 (d) Before referring a potential resident to an unlicensed
22 or unpermitted group home, a group home consultant must inform the
23 potential resident of any complaints against the group home of
24 which the consultant has actual knowledge.

25 (e) A group home consultant who violates this section
26 commits an offense. An offense under this section is a Class B
27 misdemeanor.

1 SECTION 2. This Act takes effect September 1, 2025.