

BILL ANALYSIS

S.B. 1496
By: Uresti
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that current law relating to required background checks for certain child-care facilities, homes, and agencies is not in compliance with federal law, specifically in regard to owners and operators of a listed or registered family home. As these requirements are necessary to determine whether the provider is listed as a registered sex offender, the parties contend that compliance is vital to ensure that the owners of these facilities are held to the same standard as other child-care facilities. S.B. 1496 seeks to maintain child safety by amending current law relating to background checks conducted for certain child-care providers.

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

S.B. 1496 amends the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to include the director, owner, or operator of a listed or registered family home or a group day-care home among the persons required to submit a complete set of fingerprints of certain persons associated with the home as part of the background and criminal history check required for the regulation of certain facilities, homes, and agencies that provide child-care services. The bill removes a provision exempting from that fingerprint requirement a program that is exempt from child-care facility or child-placing agency licensing requirements and instead exempts from the fingerprint requirement a family home that is subject to regulation by the Department of Family and Protective Services (DFPS) under provisions relating to the listing of relative child-care providers. The bill clarifies that the required background or criminal history check to be conducted by DFPS before listing a relative child-care provider's home as a family home, in addition to searching the central database of sex offender registration prior to such listing, is the background or criminal history check required for a listed or registered family home as required by the bill's provisions.

EFFECTIVE DATE

September 1, 2016.