

## **BILL ANALYSIS**

Senate Research Center  
78R11424 DLF-F

H.B. 1971  
By: Uresti (Nelson)  
Health & Human Services  
5/10/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, persons convicted of certain offenses are barred by law from being employed in certain facilities and homes licensed by the state. However, persons convicted of sexual offenses other than indecency with a child and persons convicted within the past five years of assault, burglary, misapplication of fiduciary property, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater are not included in the prohibition. As a consequence, persons who have demonstrated past behavior involving such offenses may be employed by the very facilities in which elderly or disabled individuals reside.

H.B. 1971 amends the Health and Safety Code to include within the prohibition barring persons convicted of certain offenses from being employed in certain facilities and homes licensed by the state all persons convicted of any sexual offense and all persons convicted within the past five years of assault, burglary, misapplication of fiduciary property, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater.

### **RULEMAKING AUTHORITY**

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 250.006, Health and Safety Code, as follows:

- (a) Prohibits a person for whom the facility is entitled to obtain criminal history record information from being employed in a facility if the person has been convicted of certain offenses listed in this subsection.
- (b) Prohibits all persons who have been convicted of certain criminal offenses from employment in a position where the duties involve direct contact with a consumer in a facility before the fifth anniversary of the date the person was convicted. Deletes existing text regarding conviction of an offense under Chapter 31, Penal Code, that is punishable as a felony.

SECTION 2. Provides that the change in law made by this Act to Section 250.006, Health and Safety Code, does not apply to a person who is employed by a facility on the effective date of this Act for the period during which the person is continuously employed by that facility.

SECTION 3. Effective date: September 1, 2003.