

BILL ANALYSIS

Senate Research Center
87R22890 JSC-D

C.S.S.B. 1629
By: Miles
Health & Human Services
4/28/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1629 amends the Penal Code by adding Section 38.172 (Failure to Report Assault, Neglect, or Omission of Care in Certain Group Homes). This section creates a state jail felony offense for people who know that a resident of a group home who is not living in an assisted living facility is being abused, neglected, or exploited and fails to report that abuse to the Department of Family and Protective Services.

Boarding homes and assisted living facilities house many vulnerable people who are subject to abuse and mistreatment. Last year in Harris County, 35 people in a group home were found without food or medication. At least two people were taken to the hospital, and another person was treated at the scene with a visible gaping wound to the abdomen.

S.B. 1629 seeks to help protect residents in boarding homes by requiring the people who know about abuse to report it.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1629 amends current law relating to failure to report assault, neglect, or omission of care in certain group homes and creates a criminal offense.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.172, as follows:

Sec. 38.172. FAILURE TO REPORT ASSAULT, NEGLIGENCE, OR OMISSION OF CARE IN CERTAIN GROUP HOMES. (a) Defines "group home." Provides that the term does not include an establishment described by Section 260.002 (Exemptions), Health and Safety Code.

(b) Provides that a person commits an offense if the person has reasonable cause to believe that a resident of a group home has suffered bodily injury due to assault, neglect, or an omission in care and fails to report that fact to law enforcement or the Department of Family and Protective Services.

(c) Provides that an offense under this section is a state jail felony.

(d) Authorizes the actor, if conduct constituting an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 2. Effective date: September 1, 2021.