

## **BILL ANALYSIS**

Senate Research Center  
87R25049 MCF-D

C.S.S.B. 1630  
By: Miles  
Health & Human Services  
5/13/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 260 of the Health and Safety Code authorizes counties and cities to locally regulate boarding home facilities. These are defined as establishments that furnish lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment, and provide assistance, but not personal care services.

However, many cities and counties, both rural and urban, are plagued with unscrupulous boarding home operators who evade local regulation and operate without oversight while having control over some of Texas' most vulnerable residents. The Harris County Sherriff's Office (HCSO) estimates at least 140 such facilities operate in unincorporated Harris County alone. The Houston Police Department and HCSO each maintain fulltime boarding home enforcement units.

In September of 2020, a 911 response to one of these rogue boarding homes in Harris County revealed that a three bedroom, one bathroom, single family residence was housing almost 40 individuals in poor condition. From gaping wounds, to obviously apparent neglect, and even allegations of coerced sexual acts and prostitution, the boarding home was unacceptable.

As a result of investigation into this issue, it became apparent that the operator and employees of the group home had criminal histories. S.B. 1630 addresses this by requiring group home owners and operators to obtain criminal history background checks on employees and not hire anyone with any offense above a Class C misdemeanor on their record. The bill also creates a Class A misdemeanor offense for group home owners or operators who employ individuals with criminal histories.

The committee substitute to S.B. 1630 exempts state licensed facilities that already conduct background checks.

C.S.S.B. 1630 also excludes people who have either committed a Class A misdemeanor or a felony from working at a boarding home. The substitute further excludes people who have a criminal history with serious offenses such as homicide, kidnapping, trafficking, sexual offenses, assault, family violence, arson, robbery, burglary, theft, fraud, offenses against public health, and organized crime

C.S.S.B. 1630 amends current law relating to criminal history record information checks for applicants for employment and employees of 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 Subtitle A, Title 9, Health and Safety Code, by adding Chapter 769, as follows:

#### CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

Sec. 769.001. DEFINITIONS. Defines "group home" for Chapter 769.

Sec. 769.002. EXEMPTIONS. Provides that Chapter 769 does not apply to:

- (1) a person who holds a license issued under Chapter 142 (Home and Community Support Services), 242 (Convalescent and Nursing Facilities and Related Institutions), 246 (Continuing Care Facilities), 247 (Assisted Living Facilities), or 252 (Intermediate Care Facilities for Individuals With an Intellectual Disability);
- (2) a person who is exempt from licensing under Section 142.003(a)(19) (relating to a person that provides home health, hospice, habilitation, or personal assistance services to certain persons), 242.003(3) (relating to an establishment conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend on certain means of healing), or 247.004(4) (relating to a facility providing personal care services to persons enrolled in certain programs funded by the Department of State Health Services);
- (3) a hotel as defined by Section 156.001 (Definitions), Tax Code;
- (4) a retirement community;
- (5) a monastery or convent;
- (6) a child-care facility as defined by Section 42.002 (Definitions), Human Resources Code;
- (7) a family violence shelter center as defined by Section 51.002 (Definitions), Human Resources Code; or
- (8) a sorority or fraternity house or other dormitory associated with an institution of higher education.

Sec. 769.003. EMPLOYEES AND APPLICANTS CONVICTED OF CERTAIN OFFENSES; CRIMINAL PENALTY. (a) Requires an owner or operator of a group home to obtain criminal history record information maintained by the Department of Public Safety of the State of Texas that relates to an individual who is an applicant for employment with or an employee of the group home.

(b) Prohibits an owner or operator of a group home from hiring or continuing to employ an individual for whom the owner or operator obtains criminal history record information on the employee's or applicant's conviction of an offense under Chapter 19 (Criminal Homicide), 20 (Kidnapping, Unlawful Restraint, and Smuggling of Persons), 20A (Trafficking of Persons), 21 (Sexual Offenses), 22 (Assaultive Offenses), 25 (Offenses Against the Family), 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), 29 (Robbery), 30 (Burglary and Criminal Trespass), 31 (Theft), 32 (Fraud), 33 (Computer Crimes), 33A (Telecommunications Crimes), 34 (Money Laundering), 35 (Insurance Fraud), 35A (Health Care Fraud), 48 (Conduct Affecting Public Health), or 71 (Organized Crime), Penal Code, or any other offense punishable as a Class A misdemeanor or a felony.

(c) Provides that an owner or operator who violates Subsection (b) commits an offense. Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Provides that Section 769.003, Health and Safety Code, as added by this Act, applies only to an application for employment submitted on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.