Chapter 971 S.B. No. 199

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1 AN ACT 2 relating to certain convictions barring employment at certain facilities serving the elderly or persons with disabilities. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 4 SECTION 1. Section 250.006, Health and Safety Code, 5 amended by amending Subsections (a) and (b) and adding Subsection 6 (d) to read as follows: 7 A person for whom the facility is entitled to obtain 8 criminal history record information may not be employed in a 9 facility if the person has been convicted of an offense listed in 10 this subsection: 11 an offense under Chapter 19, Penal Code (criminal 12 (1)13 homicide); 14 (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint); 15 16 (3) an offense under Section 21.11, Penal Code (indecency with a child); 17 an offense under Section 22.011, 18 Penal Code 19 (sexual assault); 20 an offense under Section 22.02, Penal Code 21 (aggravated assault);

to a child, elderly individual, or disabled individual);

an offense under Section 22.04, Penal Code (injury

(7) an offense under Section 22.041, Penal Code

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- 1 (abandoning or endangering child); an offense under Section 22.08, Penal Code (aiding 2 (8) 3 suicide); an offense under Section 25.031, Penal Code (9) 4 (agreement to abduct from custody); 5 an offense under Section 25.08, Penal Code (sale 6 (10)or purchase of a child); 7 (11)an offense under Section 28.02, Penal Code 8 (arson); 9 10 (12)an offense under Section 29.02, Penal Code (robbery); 11 an offense under Section 29.03, Penal 12 (13)(aggravated robbery); [ex] 13 (14) an offense under Section 21.08, Penal Code 14 15 (indecent exposure); (15) an offense under Section 21.12, Penal Code 16 17 (improper relationship between educator and student); (16) an offense under Section 21.15, Penal Code 18 (improper photography or visual recording); 19 (17) an offense under Section 22.05, Penal Code 20 (deadly conduct); 21 22 (18) an offense under Section 22.021, Penal Code 23 (aggravated sexual assault); (19) an offense under Section 22.07, Penal Code 24
- 26 (20) an offense under Section 33.021, Penal Code 27 (online solicitation of a minor);

(terroristic threat);

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- 1 (21) an offense under Section 34.02, Penal Code (money
- 2 laundering);
- 3 (22) an offense under Section 35A.02, Penal Code
- 4 (Medicaid fraud);
- 5 (23) an offense under Section 42.09, Penal Code
- 6 (cruelty to animals); or
- 7 (24) a conviction under the laws of another state,
- 8 federal law, or the Uniform Code of Military Justice for an offense
- 9 containing elements that are substantially similar to the elements
- 10 of an offense listed by this subsection [under-Subdivisions
- 11 $\frac{(1)-(13)}{(1)}$].
- 12 (b) A person may not be employed in a position the duties of
- 13 which involve direct contact with a consumer in a facility before
- 14 the fifth anniversary of the date the person is convicted of:
- 15 (1) an offense under Section 22.01, Penal Code
- 16 (assault), that is punishable as a Class A misdemeanor or as a
- 17 felony;
- 18 (2) an offense under Section 30.02, Penal Code
- 19 (burglary);
- 20 (3) an offense under Chapter 31, Penal Code (theft),
- 21 that is punishable as a felony;
- 22 (4) an offense under Section 32.45, Penal Code
- 23 (misapplication of fiduciary property or property of a financial
- 24 institution), that is punishable as a Class A misdemeanor or a
- 25 felony; [ex]
- 26 (5) an offense under Section 32.46, Penal Code
- 27 (securing execution of a document by deception), that is punishable

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- 1 as a Class A misdemeanor or a felony;
- 2 (6) an offense under Section 37.12, Penal Code (false
- 3 identification as peace officer); or
- 4 (7) an offense under Section 42.01(a)(7), (8), or (9),
- 5 Penal Code (disorderly conduct).
- 6 (d) For purposes of this section, a person who is placed on
- 7 deferred adjudication community supervision for an offense listed
- 8 in this section, successfully completes the period of deferred
- 9 adjudication community supervision, and receives a dismissal and
- discharge in accordance with Section 5(c), Article 42.12, Code of
- 11 Criminal Procedure, is not considered convicted of the offense for
- 12 which the person received deferred adjudication community
- 13 <u>supervision</u>.
- 14 SECTION 2. This Act takes effect September 1, 2007.

Vravia Bushinsi

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 199 passed the Senate on March 15, 2007, by the following vote: Yeas 30, Nays 0; May 21, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 25, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 199 passed the House, with amendments, on May 16, 2007, by the following vote: Yeas 147, Nays O, one present not voting; May 25, 2007, House granted request of the Senate for appointment of Conference Committee; May 27, 2007, House adopted Conference Committee Report by the following vote: Yeas 145, Nays O, two present not voting.

Chief Clerk of the House

Approved:

5 JUN 07

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

JUN 15 2007

Secretary of State