

By: Guillen

H.B. No. 2329

A BILL TO BE ENTITLED

AN ACT

relating to employment at or by certain facilities serving the elderly or persons with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.006(a), Health and Safety Code, is amended to read as follows:

(a) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:

(1) an offense under Chapter 19, Penal Code (criminal homicide);

(2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);

(3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecent with a child);

(4) an offense under Section 22.011, Penal Code (sexual assault);

(5) an offense under Section 22.02, Penal Code (aggravated assault);

(6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);

(7) an offense under Section 22.041, Penal Code

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

(21) an offense under Section 34.02, Penal Code (money laundering);

(22) an offense under Section 35A.02, Penal Code (Medicaid fraud);

(23) an offense under Section 36.06, Penal Code (obstruction or retaliation);

(24) an offense under Section 42.09, Penal Code (cruelty to animals); or

(25) [~~(24)~~] a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.

SECTION 2. The heading to Chapter 253, Health and Safety Code, is amended to read as follows:

CHAPTER 253. CERTAIN EMPLOYEE MISCONDUCT; REGISTRY

SECTION 3. Chapter 253, Health and Safety Code, is amended by adding Section 253.011 to read as follows:

Sec. 253.011. CERTAIN GIFTS PROHIBITED. (a) An employee of a facility may not solicit, accept, or agree to accept, in any month, one or more gifts with a total value of \$100 or more from a resident or consumer.

(b) An employee who violates this section commits reportable conduct for purposes of this chapter.

SECTION 4. This Act takes effect September 1, 2009.