

1-1 By: Miles S.B. No. 187
1-2 (In the Senate - Filed November 14, 2022;
1-3 February 15, 2023, read first time and referred to Committee on
1-4 Health & Human Services; April 17, 2023, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 187 By: Miles

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to failure to report assault, neglect, or omission of care
1-22 in certain group homes; creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 38, Penal Code, is amended by adding
1-25 Section 38.172 to read as follows:

1-26 Sec. 38.172. FAILURE TO REPORT ASSAULT, NEGLECT, OR
1-27 OMISSION OF CARE IN CERTAIN GROUP HOMES. (a) In this section,
1-28 "group home" means an establishment that:

1-29 (1) provides, in one or more buildings, lodging to
1-30 three or more residents who are unrelated by blood or marriage to
1-31 the owner of the establishment; and

1-32 (2) provides those residents with community meals,
1-33 light housework, meal preparation, transportation, grocery
1-34 shopping, money management, laundry services, or assistance with
1-35 self-administration of medication but does not provide personal
1-36 care services as defined by Section 247.002, Health and Safety
1-37 Code.

1-38 (b) A person commits an offense if the person:

1-39 (1) has reasonable cause to believe that a resident of
1-40 a group home has suffered bodily injury due to assault, neglect, or
1-41 an omission in care; and

1-42 (2) fails to report that fact to law enforcement or the
1-43 Department of Family and Protective Services.

1-44 (c) It is an exception to the application of this section
1-45 that:

1-46 (1) the actor is a person who holds a license issued
1-47 under Chapter 142, 242, 246, 247, or 252, Health and Safety Code, or
1-48 who is exempt from licensing under Section 142.003(a)(19),
1-49 242.003(3), or 247.004(4), Health and Safety Code; or

1-50 (2) the injury occurs in:
1-51 (A) an establishment or facility exempt from
1-52 licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4),
1-53 Health and Safety Code;

1-54 (B) a hotel as defined by Section 156.001, Tax
1-55 Code;

1-56 (C) a retirement community;

1-57 (D) a monastery or convent;

1-58 (E) a child-care facility as defined by Section
1-59 42.002, Human Resources Code;

1-60 (F) a family violence shelter center as defined

2-1 by Section 51.002, Human Resources Code; or
2-2 (G) a sorority or fraternity house or other
2-3 dormitory associated with an institution of higher education.
2-4 (d) An offense under this section is a state jail felony.
2-5 (e) If conduct constituting an offense under this section
2-6 also constitutes an offense under any other law, the actor may be
2-7 prosecuted under this section, the other law, or both.
2-8 SECTION 2. This Act takes effect September 1, 2023.

2-9 * * * * *