

SUBJECT: Creating an offense for failing to report abuse and neglect in group homes

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Frank, Rose, Manuel, Noble, Ramos, Shaheen

0 nays

3 absent — Campos, Hull, Klick

SENATE VOTE: On final passage (April 27) — 30 - 1

WITNESSES: For — Chad Shaw, Harris County Fire Marshal's Office; Jeremy Sanchez, Harris County Sheriff's Office; Rebecca Japko, Parents & Allies Remarkable Texans (*Registered, but did not testify*: Andrea Earl, AARP TX; Jacque Benestante, Autism Society of Texas; Paul Sugg, Harris County Commissioners Court; David Batton, Harris County Deputies Organization FOP 39; Erica Nunn, Office of the Long-Term Care Ombudsman)

Against — None

On — (*Registered, but did not testify*: Kezeli Wold, DFPS)

BACKGROUND: Some have suggested that additional provisions are needed to prevent and address abuse and neglect in boarding homes.

DIGEST: SB 187 would define a "group home" as an establishment that:

- provided, in one or more buildings, lodging to three or more residents who were unrelated by blood or marriage to the owner of the establishment; and
- provided those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but did not provide personal care

services.

A person would commit a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the person had reasonable cause to believe that a resident of a group home had suffered bodily injury due to assault, neglect, or an omission in care and failed to report that fact to law enforcement or the Department of Family and Protective Services.

It would be an exemption to the offense if the actor held certain care-related licenses or who was exempt from licensing under certain provisions or if the injury occurred in:

- an establishment or facility exempted from licensing under certain provisions;
- a hotel;
- a retirement community;
- a monastery or convent;
- a child-care facility;
- a family violence shelter center; or
- a sorority or fraternity house or other dormitory associated with a higher education institution.

If conduct constituting this offense also constituted an offense under any other law, the actor could be prosecuted under the bill, the other law, or both.

The bill would take effect September 1, 2023.