Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 142 to read as follows:

CHAPTER 142. LIMITATION ON LIABILITY FOR HIRING CERTAIN EMPLOYEES

Sec. 142.001. DEFINITIONS. In this chapter:
(1) “Employee” means a person other than an independent contractor who, for compensation, performs services for an employer under a written or oral contract for hire, whether express or implied.
(2) “Independent contractor” has the meaning assigned by Section 91.001, Labor Code.

Sec. 142.002. LIMITATION ON LIABILITY FOR HIRING EMPLOYEE CONVICTED OF OFFENSE. (a) A cause of action may not be brought against an employer, general contractor, premises owner, or other third party solely for negligently hiring or failing to adequately supervise an employee, based on evidence that the employee has been convicted of an offense.
(b) This section does not preclude a cause of action for negligent hiring or the failure of an employer, general contractor, premises owner, or other third party to provide adequate supervision of an employee, if:
(1) the employer, general contractor, premises owner, or other third party knew or should have known of the conviction; and
(2) the employee was convicted of:
   (A) an offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment, or under conditions substantially similar to those reasonably expected to be encountered in the employment, taking into consideration the factors listed in Sections 53.022 and 53.023(a), Occupations Code, without regard to whether the occupation requires a license;
   (B) an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or
   (C) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.
(c) The protections provided to an employer, general contractor, premises owner, or third party under this section do not apply in a suit concerning the misuse of funds or property of a person other than the employer, general contractor, premises owner, or third party by an employee if, on the date the employee was hired, the employee had been convicted of a crime that includes fraud or the misuse of funds or property as an element of the offense, and it was foreseeable that the position for which the employee was hired would involve discharging a fiduciary responsibility in the management of funds or property.
(d) This section does not create a cause of action or expand an existing cause of action.

SECTION 2. Chapter 142, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.
CHAPTER 288

H.B. No. 1191

AN ACT

relating to certain information about housing for persons with mental illness provided through the Texas Information and Referral Network Internet site.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.03132 to read as follows:

Sec. 531.03132. ELECTRONIC ACCESS TO REFERRAL INFORMATION ABOUT HOUSING OPTIONS FOR PERSONS WITH MENTAL ILLNESS. (a) The commission shall make available through the Texas Information and Referral Network Internet site established under Section 531.0313 information regarding housing options for persons with mental illness provided by public or private entities throughout the state. The Internet site will serve as a single point of access through which a person may be directed on how or where to apply for housing for persons with mental illness in the person’s community. In this subsection, “private entity” includes any provider of housing specifically for persons with mental illness other than as state agency, municipality, county, or other political subdivision of this state, regardless of whether the provider accepts payment for providing housing for persons with mental illness.

(b) To the extent resources are available, the Internet site must be geographically indexed and designed to inform a person about the housing options for persons with mental illness provided in the area where the person lives.

(c) The Internet site must contain a searchable listing of available housing options for persons with mental illness by type, with a definition for each type of housing and an explanation of the populations of persons with mental illness generally served by that type of housing. The list must contain at a minimum the following types of housing for persons with mental illness:

(1) state hospitals;
(2) step-down units in state hospitals;
(3) community hospitals;
(4) private psychiatric hospitals;
(5) a provider of inpatient treatment services in the network of service providers assembled by a local mental health authority under Section 533.035(e), Health and Safety Code;
(6) assisted living facilities;
(7) continuing care facilities;
(8) boarding homes;
(9) emergency shelters for homeless persons;
(10) transitional housing intended to move homeless persons to permanent housing;
(11) supportive housing, or long-term, community-based affordable housing that provides supportive services;
(12) general residential operations, as defined by Section 42.002, Human Resources Code; and

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