

BILL ANALYSIS

Senate Research Center

S.B. 199
By: Nelson
Health & Human Services
7/3/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a number of convictions for violent criminal offenses do not bar a person from being employed as a home care attendant. Current law provides a list of hiring prohibitions that prevent a person of certain criminal offenses from being employed to care for certain elderly or persons with disabilities.

S.B. 199 adds to the list of offenses that preclude a person from being employed to care for the elderly or disabled.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 250.006, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Prohibits the employment of a person for whom a facility is entitled to obtain criminal history record information if the person has been convicted of any of the following offenses:

- (14) Adds an offense under Section 21.08, Penal Code (indecent exposure).
- (15) Adds an offense under Section 21.12, Penal Code (improper relationship between educator and student).
- (16) Adds an offense under Section 21.15, Penal Code (improper photography or visual recording).
- (17) Regarding an offense under Section 22.05, Penal Code (deadly conduct).
- (18) Adds an offense under Section 22.021, Penal Code (aggravated sexual assault).
- (19) Adds an offense under Section 22.07, Penal Code (terrorist threat).
- (20) Adds an offense under Section 33.021, Penal Code (online solicitation of a minor).
- (21) Adds an offense under Section 34.02, Penal Code (money laundering).
- (22) Adds an offense under Section 35A.02, Penal Code (Medicaid fraud).
- (23) Adds an offense under Section 42.09, Penal Code (cruelty to animals).
- (24) Redesignates Subdivision 14 as Subdivision 24. Makes a conforming change.

(b) Prohibits a person from being employed in a position the duties of which involve direct contact with a consumer in a facility before the fifth anniversary of the date the person is convicted of an offense under Section 37.12, Penal Code (false identification as peace officer) or an offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct).

(d) Provides that, for purposes of this section, a person who is placed on deferred adjudication community supervision for an offense listed in this section, successfully completes the period of supervision, and receives a dismissal and discharge in accordance with Section 5(c), Article 42.12, Code of Criminal Procedure, is not considered convicted of the offense for which the person received the supervision.

SECTION 2. Effective date: September 1, 2007.