

HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

Chapter 769, consisting of Secs. 769.001 to 769.003, was added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1.

For another Chapter 769, consisting of Secs. 769.001 to 769.002, added by Acts 2023, 88th Leg., R.S., Ch. 931 (S.B. 12), Sec. 1, see Sec. 769.001 et seq., post.

CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES

Sec. 769.001. DEFINITION. In this chapter, "group home" means an establishment that:

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

(2) provides those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.

Sec. 769.002. EXEMPTIONS. This chapter does not apply to:

(1) a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2) a person, establishment, or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3) a hotel as defined by Section 156.001, Tax Code;

(4) a retirement community;

(5) a monastery or convent;

(6) a child-care facility as defined by Section 42.002, Human Resources Code;

(7) a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8) a sorority or fraternity house or other dormitory associated with an institution of higher education.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.

Sec. 769.003. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY.

(a) An owner or operator of a group home shall obtain criminal history record information maintained by the Department of Public Safety of the State of Texas on each individual who is an applicant for employment with or an employee of the group home.

(b) An owner or operator of a group home may not hire or continue to employ an individual for whom the owner or operator obtains criminal history record information on the applicant's or employee's conviction of an offense under Chapter 19, 20, 20A, 21, 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code, or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other offense punishable as a Class A misdemeanor or a felony.

(c) An owner or operator of a group home who violates Subsection (b) commits an offense. An offense under this section is a Class A misdemeanor.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.