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Requirements Regarding Gang-Free Zones For Child Care Centers

As a result of House Bill 2086 that passed during the 81st Legislature, Regular Session, Chapter 42 of the Human Resource Code includes section 42.064, effective September 1, 2009. This new statute requires distributing information about gang-free zones to parents and guardians of children in care at licensed childcare centers. The following is a tip sheet to comply with the new law. This information may be posted at your childcare operation, or copies may be provided to parents.

What is a gang-free zone?

A gang-free zone is a designated area around a specific location where prohibited gang-related activity is subject to increased penalty under Texas law. The specific locations include day care centers. The gang-free zone is within 1000 feet of your childcare center. For more information about what constitutes a gang-free zone, please consult sections 71.028 and 71.029 of the Texas Penal Code.

How do parents know where the gang-free zone ends?

The area within a gang-free zone can vary depending on the type of location. The local municipal or county engineer may produce and update maps for the purposes of prosecution. Parents may contact their local municipality or courthouse for information about obtaining a copy of a map if they choose to do so.

What is the purpose of gang-free zones?

Similar to the motivation behind establishing drug-free zones, the purpose of gang-free zones is to deter certain types of criminal activity in areas where children gather by enforcing harsher penalties.

What does this mean for my day care center?

A childcare center must inform parents or guardians of children attending the center about the new gang-free zone designation. This means parents or guardians must be informed that certain gang-related criminal activity or engaging in organized criminal activity within 1000 feet of your center violates this law and is, therefore, subject to increased penalties under state law.

When do I have to comply with the new requirements?

The law is already in effect, so providers should begin sharing information regarding gang-free zones immediately. Licensing staff will offer technical assistance to facilitate compliance until rules are proposed and adopted, which is estimated to occur in March 2010. In the meantime, providers should update their operational policies and procedures to provide the information mandated by this law to the parents or guardians of the children in care.

Please contact your licensing representative or local licensing office for further information.