

BILL ANALYSIS

H.B. 178
By: Ellis
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, certain governmental employees who supervise inmates and offenders are provided immunity from being liable for injuries, accidents, and other acts that occur to or occur as a result of an inmate or offender while in the process of being supervised. The list of employees who are given immunity includes most positions that are involved in offender program supervision except county attorneys, district judges, district attorneys, and criminal district attorneys. H.B. 178 grants these employees immunity as well so that while performing job-related activities, these individuals cannot be held responsible for any occurrences involving the inmate or offender.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B.178 amends Article 42.20 (c), Code of Criminal Procedure, to include county attorneys, district judges, district attorneys, and criminal district attorneys in the list of individuals and governmental entities who are granted immunity in Article 42.20 for an act or failure to act by the individual or governmental entity in connection with a community service program or work program or in connection with an inmate, offender, or releasee programmatic or nonprogrammatic activity, including work, educational, and treatment activities, if the act or failure to act: was performed pursuant to a court order or was otherwise performed in an official capacity; and was not performed with conscious indifference for the safety of others.

EFFECTIVE DATE

September 1, 2003.