

BILL ANALYSIS

S.B. 295
By: Watson
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

It has been reported that violent attacks on nurses and other emergency room medical workers are increasing nationwide. Research from a national emergency nurses association has shown that the emergency department is one of the most dangerous work settings in health care for nurses because of potential violence from patients and visitors. The association found that approximately 25 percent of surveyed emergency department nurses had experienced physical violence more than 20 times in the past few years.

Current law provides for an enhanced penalty against a person who assaults emergency services personnel while the person is providing emergency services. However, a member of a hospital's staff who is similarly attacked must file charges, provide depositions, and go through other related processes. S.B. 295 seeks to extend the protection granted to emergency services personnel to certain hospital staff in emergency departments providing emergency services.

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

S.B. 295 amends the Penal Code to expand the circumstances under which the penalty for assault is enhanced from a Class A misdemeanor to a third degree felony to include committing assault against a person the actor knows is emergency room personnel while the person is providing emergency services. The bill provides an exception to the application of such an enhanced penalty under that circumstance if the actor is a patient and the emergency room personnel has not received training in de-escalation and crisis intervention techniques to facilitate interaction with patients, including patients with mental impairments, that meets minimum standards established by the Department of State Health Services. The bill defines "emergency room personnel."

EFFECTIVE DATE

September 1, 2011.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 makes it a Class A misdemeanor to commit assault against a person the actor knows is emergency room personnel while the person is providing emergency services if, at the time of the offense, the actor was a person with mental illness.