

## **BILL ANALYSIS**

C.S.H.B. 2189  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

On October 22, 2022, two healthcare workers were killed at Methodist Dallas Medical Center. These women, Jacqueline "Jackie" Pokuaa, a social worker, and Katie "Annette" Flowers, a nurse, were killed by a parolee who was visiting the hospital. Under current law, assault is considered a third degree felony if committed against emergency services personnel, but assault against other hospital personnel is only a Class A misdemeanor. This means that if someone were to assault an ER nurse, they would be charged with a felony, but if the same person assaulted a charge nurse, they would only be charged with a misdemeanor. C.S.H.B. 2189, the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act, seeks to address this issue by making the penalty for assault of any hospital personnel while they are performing a service in a hospital a third degree felony.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 2189 amends the Penal Code to enhance the penalty for assault that causes bodily injury from a Class A misdemeanor to a third degree felony if the offense is committed against a person the actor knows is hospital personnel while the person is performing a service in the hospital. The bill specifies that hospital personnel includes nurses, physicians, physician assistants, social workers, maintenance or janitorial staff, receptionists, and other individuals who are employed by or work in a facility that is licensed as a general hospital or special hospital, including a hospital maintained or operated by the state. The bill's provisions apply only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2189 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes social workers among those classified as hospital personnel, whereas the introduced did not.