

BILL ANALYSIS

H.B. 4762
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the Workplace Violence in Healthcare Fact Sheet published by the U.S. Bureau of Labor Statistics in 2018, the rate of injuries from attacks against health care professionals grew by roughly 63 percent from 2011 to 2018. Meanwhile, hospital safety directors have reported that aggression against staff escalated as the COVID-19 pandemic intensified in 2020. In some cases, hospital personnel's use of force in self-defense may result in injury or harm to a patient during efforts to subdue the patient. In these situations, the health care professional may be held liable for any injuries or harm caused to the patient. H.B. 4762 seeks to ensure that hospital personnel are protected from liability for the use of force against a patient while on duty and if done in self-defense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 4762 amends the Health and Safety Code to exempt an individual acting as hospital personnel from liability to a hospital patient for an injury resulting from the individual's use of force while on duty if, under the circumstances as the individual reasonably believes them to be, the individual would be justified in using such force on the basis of self-defense or the defense of another and would thus be excluded from criminal responsibility for the use of such force under state law. The bill establishes that "hospital personnel" includes nurses, physicians, physician assistants, 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.

H.B. 4762 applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.