

BILL ANALYSIS

S.B. 840
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

On October 22, 2022, two health care workers were killed at Methodist Dallas Medical Center by a violent offender who was on parole for aggravated robbery. According to data published in the journal *Workplace Health & Safety* and cited by the American Hospital Association in a letter to U.S. Attorney General Merrick Garland urging measures to be taken to protect health care workers from workplace violence, 68 percent of nurses reported experiencing some form of verbal abuse between February and May/June 2020, while more than 44 percent of nurses reported experiencing physical violence during this period. Violence against health care workers is increasing, and proactive measures must be taken to prevent these heinous crimes. S.B. 840, the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act, increases the criminal penalty for assault of certain hospital workers in an effort to prevent these crimes.

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

S.B. 840 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, 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.