

## **BILL ANALYSIS**

Senate Research Center  
88R9173 MZM-D

S.B. 840  
By: West  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

On an otherwise unassuming Saturday morning last October (2022), the horribly unthinkable happened inside the walls of Dallas Methodist Medical Center, a place dedicated to saving lives. A disturbed gunman inexplicably opened fire on two hospital workers from a hospital room, killing them both, after striking the mother of his recently born child repeatedly with the same weapon, a handgun. He was shot and subdued by hospital police, ending the attack.

S.B. 840, the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act is one a package of bills filed by members of the Dallas legislative delegation and others likeminded, determined to eliminate if possible, the chances that a similar event will happen again.

S.B. 840 if passed into law, would increase the penalty for assaulting "certain hospital personnel" from a Class A misdemeanor to a 3rd degree felony offense. It addresses offenses that take place while a worker or workers are on duty at the medical facility where they are employed.

The attacker was on parole release following convictions for two aggravated robberies. He had been ordered to wear an ankle monitor as a condition of release, which he was at the time of the deadly, violent attack at Methodist Dallas Medical Center.

S.B. 840 amends Section 22.01(e), Penal Code, by adding Subsection (1-a) to define hospital personnel.

As proposed, S.B. 840 amends current law relating to increasing the criminal penalty for assault of certain hospital personnel.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act.

SECTION 2. Amends Section 22.01(b), Penal Code, as follows:

(b) Provides that an offense under Subsection (a)(1) (relating to providing that a person commits an offense of assault if the person causes bodily injury to another) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1)-(2) makes no changes to these subdivisions;

(3) a person who contracts with government to perform a service in a facility described by, rather than as defined by, Section 1.07(a)(14) (relating to the definition of "correctional facility"), Penal Code, or Section 51.02(13) (relating to the definition of "secure correctional facility") or (14) (relating to the definition of

"secure detention facility"), Family Code, or an employee of that person under certain circumstances;

(4)-(6) makes no changes to these subdivisions;

(7)-(8) makes nonsubstantive changes to these subdivisions; or

(9) a person the actor knows is hospital personnel while the person is performing a service in the hospital.

SECTION 3. Amends Section 22.01(e), Penal Code, by adding Subdivision (1-a), to define "hospital personnel."

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.