

BILL ANALYSIS

Senate Research Center
89R25072 MCF-D

H.B. 2854
By: Anchía et al. (West)
Criminal Justice
5/22/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

On October 14, 2022, Nestor Hernandez, 30, a parolee who was granted permission to visit Methodist Dallas Medical Center for the birth of a child, fatally shot two employees.

S.B. 1416 seeks to remedy the issue of potentially violent parolees visiting hospitals without the advance knowledge of law enforcement.

S.B. 1416 requires that persons who are placed on parole with electronic monitoring for offenses such as aggravated kidnapping, indecency with a child, sexual assault, aggravated sexual assault, robbery, and sexual performance of a child must get permission from his or her parole officer to visit a hospital unless the parolee is undergoing medical treatment.

S.B. 1416 further stipulates that any parole officer who approves a visit under this proposed statute must notify either the chief law enforcement officer for the hospital, or the local law enforcement agency if the hospital does not employ any peace officers.

H.B. 2854 amends current law relating to the required approval of certain hospital visits as a condition of release on parole or to mandatory supervision for certain releasees and to the hospital's liability for damages resulting from those visits.

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 Pokuaa-Flowers Act.

SECTION 2. Amends Subchapter F, Chapter 508, Government Code, by adding Section 508.193, as follows:

Sec. 508.193. REQUIRED APPROVAL OF CERTAIN HOSPITAL VISITS. (a) Requires a parole panel that requires a releasee serving a sentence for an offense listed in Article 42A.054(a) (relating to certain offenses under the Penal Code), Code of Criminal Procedure, or for which the judgment contains an affirmative finding under Article 42A.054(c) (relating to a finding regarding the use or exhibition of a deadly weapon) or (d) (relating to a finding regarding the use or exhibition of a firearm), Code of Criminal Procedure, to submit to electronic monitoring as a condition of release on parole or to mandatory supervision, as an additional condition of release, to prohibit the releasee from visiting a general hospital, as defined by Section 241.003 (Definitions), Health and Safety Code, for a purpose other than to receive medical treatment, as defined by Section 313.002 (Definitions), Health and Safety Code, including emergency medical care, unless the parole officer supervising the releasee approves the releasee's request to visit the hospital prior to the visit.

(b) Requires that a releasee's request to visit a general hospital specify the date and time of the intended visit and the reason for the visit.

(c) Requires a parole officer who approves a visit under Subsection (a) to promptly notify the chief law enforcement officer for the general hospital, or a local law enforcement agency if the general hospital does not employ any peace officers, of the date and time of the releasee's intended visit.

(d) Provides that, notwithstanding any other law and except in the case of gross negligence, recklessness, or intentional misconduct, a general hospital is not liable to a patient or another person for damages resulting from a visit by a releasee described by Subsection (a). Prohibits this subsection from being construed to limit a claim arising under Chapter 74 (Medical Liability), Civil Practice and Remedies Code.

SECTION 3. Makes application of Section 508.193, Government Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2025.