

BILL ANALYSIS

C.S.H.B. 2854
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As reported by WFAA ABC News 8 in Dallas, on October 22, 2022, two health care workers, Jacqueline Ama Pokuaa and Katie Annette Flowers were murdered by a violent criminal who was on parole for aggravated robbery at Methodist Dallas Medical Center. The bill author has informed the committee that the hospital was not notified by the parole officer that a violent criminal, who had violated his parole conditions over 50 times, would be entering the hospital and that interested hospitals have expressed that they find it imperative to be notified before a violent offender visits their premises. C.S.H.B. 2854, named the Pokuaa-Flowers Act, seeks to ensure that hospitals are able to take the necessary measures to protect their patients and health workers before a violent criminal on parole enters their premises.

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

C.S.H.B. 2854 amends the Government Code to require a parole panel that requires a releasee serving a sentence for an offense that renders a defendant ineligible for judge-ordered community supervision or for which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon, including a firearm, that renders a defendant ineligible for community supervision to submit to electronic monitoring as a condition of release on parole or to mandatory supervision to prohibit the releasee, as an additional condition of release, from visiting a general hospital for a purpose other than to receive medical treatment, including emergency medical care, unless the parole officer supervising the releasee approves the releasee's request to visit the hospital prior to the visit. "General hospital" and "medical treatment" are defined by reference to the Health and Safety Code.

C.S.H.B. 2854 requires a releasee's request to visit a general hospital to specify the date and time of the intended visit and the reason for the visit and requires a parole officer who approves such a visit 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. The bill exempts a general hospital, notwithstanding any other law and except in the case of gross negligence, recklessness, or intentional misconduct, from liability to a patient or another person for damages resulting from a visit by a releasee under the bill's provisions. The bill prohibits this exemption from being construed to limit a medical liability claim.

C.S.H.B. 2854 applies only to a person who is released on parole or to mandatory supervision on or after the bill's effective date. A person who is released on parole or to mandatory supervision before that date is governed by the law in effect at the time of release, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2854 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 the following provisions absent from the introduced:

- language limiting a general hospital's exemption from liability for damages resulting from a visit by a releasee under the bill's provisions, as in the introduced, to an exemption from liability in cases that do not involve gross negligence, recklessness, or intentional misconduct; and
- a prohibition against such an exemption being construed to limit a medical liability claim.