

House Bill 2854
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. This Act may be cited as the Pokuaa-Flowers Act.

SECTION 2. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.193 to read as follows:

Sec. 508.193. REQUIRED APPROVAL OF CERTAIN HOSPITAL VISITS. (a) A parole panel that requires a releasee serving a sentence for an offense listed in Article 42A.054(a), Code of Criminal Procedure, or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, to submit to electronic monitoring as a condition of release on parole or to mandatory supervision shall, as an additional condition of release, prohibit the releasee from visiting a general hospital, as defined by Section 241.003, Health and Safety Code, for a purpose other than to receive medical treatment, as defined by Section 313.002, 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) A releasee's request to visit a general hospital must specify the date and time of the intended visit and the reason for the visit.

(c) A parole officer who approves a visit under Subsection (a) shall 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.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.193 to read as follows:

Sec. 508.193. REQUIRED APPROVAL OF CERTAIN HOSPITAL VISITS. (a) A parole panel that requires a releasee serving a sentence for an offense listed in Article 42A.054(a), Code of Criminal Procedure, or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, to submit to electronic monitoring as a condition of release on parole or to mandatory supervision shall, as an additional condition of release, prohibit the releasee from visiting a general hospital, as defined by Section 241.003, Health and Safety Code, for a purpose other than to receive medical treatment, as defined by Section 313.002, 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) A releasee's request to visit a general hospital must specify the date and time of the intended visit and the reason for the visit.

(c) A parole officer who approves a visit under Subsection (a) shall promptly notify, using the information in the database described by Subsection (d), 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. [FA1(1)]

(d) The Department of State Health Services shall establish and maintain an electronic database for the department that

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contains the contact information, including phone numbers and email addresses, for:

(1) the chief law enforcement officer of each general hospital in this state; or

(2) if a general hospital does not employ any peace officers, the local law enforcement agency with jurisdiction over the location of the hospital.

(e) The Department of State Health Services shall annually provide an updated database to the department.

(f) The department is not liable to a patient or another person for damages resulting from a visit by a releasee described by Subsection (a) if the parole officer approving the visit has attempted to notify the appropriate chief law enforcement officer or law enforcement agency using the contact information included in the database described by Subsection

(d). [FA1(2)]

(d) 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). This subsection may not be construed to limit a claim arising under Chapter 74, Civil Practice and Remedies Code.

SECTION 3. Same as House version.

(d) 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). This subsection may not be construed to limit a claim arising under Chapter 74, Civil Practice and Remedies Code.

SECTION 3. Section 508.193, Government Code, as added by this Act, applies only to a person who is released on parole or to mandatory supervision on or after the effective date of this Act. A person who is released on parole or to mandatory supervision before the effective date of this Act is governed by the law in effect at the time of release, and the former law is continued in effect for that purpose.

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SECTION 4. This Act takes effect September 1, 2025.

SECTION 4. Same as House version.