

## **BILL ANALYSIS**

Senate Research Center  
80R3609 AJA-D

H.B. 1194  
By: England, Madden (Harris)  
State Affairs  
5/4/2007  
Engrossed

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

State law requires an offender incarcerated in a facility operated by the Texas Department of Criminal Justice (TDCJ) to provide a specimen, collected by medical staff, to be included in the DNA database administered by the Department of Public Safety. TDCJ contracts with phlebotomists to collect such samples from offenders who will not comply with the requirement to the point that force is necessary to obtain the sample. However, the law does not indemnify phlebotomists from civil damages if an offender files suit, and some phlebotomists have raised concerns about such litigation.

H.B. 1194 indemnifies phlebotomists who perform such services for TDCJ.

### **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. Amends Section 104.001, Civil Practice and Remedies Code, to require the state, in a cause of action based on conduct described in Section 104.002 (State Liability; Conduct Covered), to indemnify a phlebotomist licensed in this state who was performing services under a contract with the Texas Department of Criminal Justice when the act or omission on which the damages are based occurred against actual damages, court costs, and attorney's fees assessed against the phlebotomist, regardless of whether the phlebotomist performed the services for compensation.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.