

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 295  
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Transportation & Homeland Security  
4/1/2011  
Committee Report (Substituted)

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

Violent attacks on nurses and other emergency room medical workers seem to be increasing nationwide. Research from the Emergency Nurses Association (ENA) has shown that the emergency department is one of the most dangerous work settings in healthcare for nurses because of potential violence from patients and visitors. The ENA found that 25 percent of surveyed emergency department nurses had experienced physical violence more than 20 times in the past three years. Verbal abuse is even more prevalent; about one-fifth of emergency nurses reported being the victim of verbal abuse in the workplace more than 200 times during the past three years.

Current Texas law provides for an enhanced penalty against a person who assaults an emergency services (EMS) worker who is providing services in the line of duty. A member of a hospital staff who is similarly attacked must file charges, provide depositions, et cetera. The purpose of this proposed legislation is to extend the protection granted to EMS workers to hospital staff in emergency departments.

C.S.S.B. 295 amends current law relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

### **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 22.01(b), Penal Code, to provide that an offense under Section (a)(1) (relating to intentionally, knowingly, or recklessly causing 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 in a certain manner or against certain individuals, including a person the actor knows is emergency room personnel while the person is providing emergency services.

SECTION 2. Amends Section 22.01(e), Penal Code, to define "emergency room personnel."

SECTION 3. Effective date: September 1, 2011.