

BILL ANALYSIS

Senate Research Center
80R15231 PEP-D

H.B. 2389
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Criminal Justice
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Historically, offenders sentenced to the Texas Department of Criminal Justice (TDCJ) have provided their consent to receive medical care, including offenders less than eighteen years of age. However, current law does not clearly authorize youthful offenders sentenced to TDCJ to consent to medical care

H.B. 2389 provides that offenders younger than eighteen years of age may consent to receive medical treatment, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

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 Subchapter B, Chapter 501, Government Code, by adding Section 501.059, as follows:

Sec. 501.059. CONSENT TO MEDICAL, DENTAL, PSYCHOLOGICAL, AND SURGICAL TREATMENT. Authorizes an inmate who is younger than 18 years of age and is confined in a facility operated or under contract with the Texas Department of Criminal Justice (TDCJ), in a accordance with procedures established by TDCJ, to consent to medical, dental, psychological, and surgical treatment for the inmate by a licensed health care practitioner, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19) (relating to the performance of an abortion on an emancipated minor), Occupations Code.

SECTION 2. Amends Section 32.003(a), Family Code, to make a conforming change.

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