

SUBJECT: Exempting hospital personnel from liability for certain use of force

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach,
Schatzline

0 nays

1 absent — C. Morales

WITNESSES: For — Tilden Childs, Texas Medical Association, Texas Radiological Society (*Registered, but did not testify*: Joshua Normand, Harris County Deputies' Organization Fraternal Order of Police Lodge #39; Meghan Weller, HCA Healthcare; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, Houston Police Retired Officers Association; Tim Ottinger, St. Luke's Health; Cameron Duncan, Texas Hospital Association; John Wilkerson, Texas Municipal Police Association; Jack Frazee, Texas Nurses Association; AJ Louderback, Texas Sheriffs Regional Alliance)

Against — None

BACKGROUND: Concerns have been raised that hospital personnel could be held liable for use of force in self defense that causes injury or harm to a patient.

DIGEST: HB 4762 would exempt an individual acting as hospital personnel from liability to a hospital patient for injury resulting from the use of force while on duty, provided that the individual reasonably believed that the individual's actions were justified as self-defense.

The bill would take effect September 1, 2023, and would apply only to a cause of action that accrued on or after the effective date.