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FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/2006

SPONSOR Cervantes LAST UPDATED 2/9/2006 HB 743/aHJC

SHORT TITLE Crime of Assault on a Health Care Worker SB _____

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

Corrections Department (CD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment (page 1, line 25) to HB 743 exempts a skilled nursing facility, a nursing facility, or other long-term residential care facility from the definition of "health facility."

The amendment redefines "health care worker" in Section 1, A, 2 as follows:

(2) "health care worker" means an employee of a health facility ~~who is subject to professional licensure or provides direct unsupervised patient care in inpatient settings; and~~ or a licensed emergency medical technician; and

Synopsis of Original Bill

House Bill 743 amends the criminal code to create the following crimes:

- Assault upon a health care worker, misdemeanor

- Aggravated assault upon a health care worker, third degree felony
- Assault with intent to commit a violent felony upon a health care worker, second degree felony
- Battery upon a health care worker, fourth degree felony
- Aggravated battery upon a health care worker
 - a. inflicting an injury not likely to cause death or great bodily harm but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, fourth degree felony
 - b. inflicting great bodily harm or with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted, third degree felony
- Assisting or being assisted to commit battery upon a health care worker, fourth degree felony

The bill requires that the health care worker be “in the lawful discharge of the health care worker’s duties,” meaning engaged in the performance of the duties of a health care worker. The bill also defines “health facility” and “health care worker.”

House Bill 743 is in response to Executive Message 99.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

According to AOC, there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The creation of new crimes, particularly the new felonies, will have a negative fiscal impact on the Corrections Department. This impact will be the result of having to incarcerate and supervise probationers/parolees. Because the number of offenders is expected to be relatively small, this impact is expected to be minimal.

BMC/nt:yr