CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 78B. LIMITED LIABILITY FOR FIRST RESPONDER WELLNESS CHECK AT CIVIL COMMITMENT FACILITY

Sec. 78B.001. DEFINITIONS. In this chapter:

(1) "First responder" means a law enforcement, fire protection, or emergency medical services employee, volunteer, or agency, including:

(A) a peace officer, as defined by Article 2.12, Code of Criminal Procedure;

(B) fire protection personnel, as defined by Section 419.021, Government Code;

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii) a member of an organized volunteer firefighting unit that provides firefighting services without compensation and conducts a minimum of two drills each month, each two hours long;

(D) an individual certified as emergency medical services personnel by the Department of State Health Services; and

(E) an agency of this state or a political subdivision of this state authorized by law to employ or supervise personnel described by Paragraphs (A)-(D).

(2) "Wellness check" means a request by any person for a first responder to visit a civil commitment facility and determine the current condition of a sexually violent predator who is civilly committed under Chapter 841, Health and Safety Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 11, eff. September 1, 2023.

Sec. 78B.002. CONSTRUCTION OF CHAPTER. This chapter may not be construed to prohibit a first responder from performing a wellness check.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 11,

eff. September 1, 2023.

Sec. 78B.003. LIMITED LIABILITY FOR REFUSAL TO PROVIDE WELLNESS CHECK. (a) A first responder is not required to perform a wellness check.

(b) A first responder is not liable for damages incurred from the first responder's refusal to perform a wellness check.

(c) A court shall immediately dismiss any action asserting a claim described by Subsection (b).

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 11, eff. September 1, 2023.

Sec. 78B.004. REFERRAL TO TEXAS CIVIL COMMITMENT OFFICE. A first responder may refer a person requesting a wellness check to the Texas Civil Commitment Office, which may provide the person with information regarding the current condition of the civilly committed sexually violent predator if authorized under federal and state law.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 11, eff. September 1, 2023.