

By: Cain

H.B. No. 4541

A BILL TO BE ENTITLED

1 AN ACT
2 relating to providing a person taken into custody for emergency
3 detention with information concerning the person's rights.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 573.001(g), Health and Safety Code, is
6 amended to read as follows:

7 (g) A peace officer who takes a person into custody under
8 Subsection (a) shall immediately inform the person orally in
9 simple, nontechnical terms:

10 (1) of the reason for the detention; ~~and~~

11 (2) of the warning described by Section 2(a), Article
12 38.22, Code of Criminal Procedure; and

13 (3) that a staff member of the facility will inform the
14 person of the person's rights at [within 24 hours after] the time
15 the person is admitted to a facility and before questioning,
16 assessing, or examining the person, as provided by Section
17 573.025(b).

18 SECTION 2. Section 573.025(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) A person apprehended, detained, or transported for
21 emergency detention under this subtitle shall be informed of the
22 rights provided by this section and this subtitle:

23 (1) orally in simple, nontechnical terms, at [within
24 24 hours after] the time the person is admitted to a facility and

1 before the person is questioned, assessed, or examined, and in
2 writing in the person's primary language if possible; or

3 (2) through the use of a means reasonably calculated
4 to communicate with a hearing or visually impaired person, if
5 applicable.

6 SECTION 3. This Act takes effect September 1, 2021.