

By: Hull

H.B. No. 466

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the requirements for and compilation of certain  
3 emergency mental health detention records.

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

5 SECTION 1. Sections 573.002(b) and (d), Health and Safety  
6 Code, are amended to read as follows:

7 (b) The notification of detention must contain:

8 (1) a statement that the officer has reason to believe  
9 and does believe that the person evidences mental illness;

10 (2) a statement that the officer has reason to believe  
11 and does believe that the person evidences a substantial risk of  
12 serious harm to the person or others;

13 (3) a specific description of the risk of harm;

14 (4) a statement that the officer has reason to believe  
15 and does believe that the risk of harm is imminent unless the person  
16 is immediately restrained;

17 (5) a statement that the officer's beliefs are derived  
18 from specific recent behavior, overt acts, attempts, or threats  
19 that were observed by or reliably reported to the officer;

20 (6) a detailed description of the specific behavior,  
21 acts, attempts, or threats; ~~and~~

22 (7) the name and relationship to the apprehended  
23 person of any person who:

24 (A) reported or observed the behavior, acts,

1 attempts, or threats; or

2 (B) witnessed the apprehended person being  
3 detained;

4 (8) a description of the place and setting where the  
5 detention was initiated;

6 (9) a description of the use of restraints in  
7 detaining the person, including a statement of whether a chemical  
8 irritant spray or a Taser device was used in detaining the person;  
9 and

10 (10) the age, including the exact age if the person is  
11 younger than 18 years of age, race, gender, and other demographic  
12 information required by executive commissioner rules.

13 (d) The peace officer shall provide the notification of  
14 detention on the following form:

15 Notification--Emergency Detention NO. \_\_\_\_\_

16 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

17 THE STATE OF TEXAS

18 FOR THE BEST INTEREST AND PROTECTION OF:

19 \_\_\_\_\_

20 NOTIFICATION OF EMERGENCY DETENTION

21 Now comes \_\_\_\_\_, a peace officer with  
22 (name of agency) \_\_\_\_\_, of the State of  
23 Texas, and states as follows:

24 1. I have reason to believe and do believe that (name of person to  
25 be detained) \_\_\_\_\_ evidences mental illness.

26 2. I have reason to believe and do believe that the above-named  
27 person evidences a substantial risk of serious harm to

1 himself/herself or others based upon the following:

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 3. I have reason to believe and do believe that the above risk of  
7 harm is imminent unless the above-named person is immediately  
8 restrained.

9 4. My beliefs are based upon the following recent behavior, overt  
10 acts, attempts, statements, or threats observed by me or reliably  
11 reported to me:

12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 5. The names, addresses, and relationship to the above-named  
17 person of those persons who reported or observed recent behavior,  
18 acts, attempts, statements, or threats of the above-named person or  
19 who witnessed the above-named person being detained are (if  
20 applicable):

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 For the above reasons, I present this notification to seek  
26 temporary admission to the (name of facility)  
27 \_\_\_\_\_ inpatient mental health facility or

1 hospital facility for the detention of (name of person to be  
2 detained) \_\_\_\_\_ on an emergency basis.

3 6. Was the person restrained in any way? Yes  No

4 7. Was a chemical irritant spray or a Taser device used on the  
5 person? Yes  No

6 8. The location from which the person was taken into custody was a:  
7 School  Home  Health Care Facility  Emergency Room  Other

8 9. Demographic Information:

9 Race: Caucasian  Black  Hispanic  Asian/Pacific Islander   
10 Other

11 10. Age: Under 18  Over 18  Over 65

12 11. If under 18: Exact age of the person is \_\_\_\_\_

13 \_\_\_\_\_ BADGE NO. \_\_\_\_\_

14 PEACE OFFICER'S SIGNATURE

15 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

16 Telephone: \_\_\_\_\_

17 \_\_\_\_\_

18 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

19 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

20 Telephone: \_\_\_\_\_

21 A mental health facility or hospital emergency department may  
22 not require a peace officer or emergency medical services personnel  
23 to execute any form other than this form as a predicate to accepting  
24 for temporary admission a person detained by a peace officer under  
25 Section 573.001, Health and Safety Code, and transported by the  
26 officer under that section or by emergency medical services  
27 personnel of an emergency medical services provider at the request

1 of the officer made in accordance with a memorandum of  
2 understanding executed under Section 573.005, Health and Safety  
3 Code.

4 SECTION 2. Section 573.021, Health and Safety Code, is  
5 amended by adding Subsection (f) to read as follows:

6 (f) A facility that accepts a person for preliminary  
7 examination under Subsection (a), as soon as practicable but not  
8 more than 12 hours after the person is accepted to the facility,  
9 shall submit to each court with jurisdiction to order commitment  
10 under Chapter 574 a copy of the peace officer's notification of  
11 detention filed with the facility under Section 573.002.

12 SECTION 3. The heading to Section 574.014, Health and  
13 Safety Code, is amended to read as follows:

14 Sec. 574.014. COMPILATION OF MENTAL HEALTH COMMITMENT AND  
15 EMERGENCY DETENTION RECORDS.

16 SECTION 4. Section 574.014(a), Health and Safety Code, is  
17 amended to read as follows:

18 (a) The clerk of each court with jurisdiction to order  
19 commitment under this chapter shall provide the Office of Court  
20 Administration each month with a report of the number of  
21 applications for commitment orders for involuntary mental health  
22 services filed with the court and the disposition of those cases,  
23 including the number of commitment orders for inpatient and  
24 outpatient mental health services. The Office of Court  
25 Administration annually shall make the reported information  
26 available to the Health and Human Services Commission and the  
27 public on the office's Internet website [~~annually~~].

1           SECTION 5. The changes in law made by this Act apply only to  
2 an emergency detention that begins on or after the effective date of  
3 this Act. An emergency detention that begins before the effective  
4 date of this Act is governed by the law as it existed immediately  
5 before the effective date of this Act, and that law is continued in  
6 effect for that purpose.

7           SECTION 6. This Act takes effect September 1, 2023.