

By: Guillen, Davis

H.B. No. 1857

Substitute the following for H.B. No. 1857:

By: Murr

C.S.H.B. No. 1857

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the certificate of medical examination for chemical
3 dependency and the duration of court-ordered treatment for a person
4 with a chemical dependency.

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

6 SECTION 1. This Act may be cited as the Anell Borrego Act.

7 SECTION 2. Section 462.064(c), Health and Safety Code, is
8 amended to read as follows:

9 (c) A certificate must be dated and signed by the examining
10 physician. The certificate must include:

11 (1) the name and address of the examining physician;

12 (2) the name and address of the proposed patient;

13 (3) the date and place of the examination;

14 (4) the period, if any, during which the proposed
15 patient has been under the care of the examining physician;

16 (5) an accurate description of the treatment, if any,
17 given by or administered under the direction of the examining
18 physician; and

19 (6) the examining physician's opinion that ~~[opinions~~
20 ~~whether]~~ the proposed patient is a person with a chemical
21 dependency and that, as a result of that chemical dependency:

22 (A) is likely to cause serious harm to the
23 person;

24 (B) is likely to cause serious harm to others; or

1 (C) will continue to suffer abnormal mental,
2 emotional, or physical distress and to deteriorate in ability to
3 function independently if not treated and is unable to make a
4 rational and informed choice as to whether or not to submit to
5 treatment.

6 SECTION 3. Section 462.069(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) Except as provided by Section 462.080(b), the [The]
9 court shall commit the proposed patient to a treatment facility
10 approved by the commission [~~department~~] to accept court commitments
11 for at least 60 days but not more than 90 days if:

12 (1) the proposed patient admits the allegations of the
13 application; or

14 (2) at the hearing on the merits, the court or jury
15 finds that the material allegations in the application have been
16 proved by clear and convincing evidence.

17 SECTION 4. Section 462.075(f), Health and Safety Code, is
18 amended to read as follows:

19 (f) Except as provided by Section 462.080(b), the [The]
20 court shall commit the proposed patient to a treatment facility
21 approved by the commission [~~department~~] to accept commitments for
22 at least 60 days but not more than 90 days if:

23 (1) the proposed patient admits the allegations of the
24 application; or

25 (2) at the hearing on the merits, the court or jury
26 finds that the material allegations in the application have been
27 proved by clear and convincing evidence.

1 SECTION 5. Section 462.080(b), Health and Safety Code, is
2 amended to read as follows:

3 (b) The administrator may discharge a patient before the
4 court order expires if the administrator or physician treating the
5 patient determines that the patient no longer meets the criteria
6 for court-ordered treatment.

7 SECTION 6. Sections 462.081(a) and (d), Health and Safety
8 Code, are amended to read as follows:

9 (a) Except as provided by Section 462.080(b), the [The]
10 judge of a court with jurisdiction of misdemeanor cases may remand
11 the defendant to a treatment facility approved by the commission
12 [~~department~~] to accept court commitments for care and treatment for
13 at least 60 days but not more than 90 days, instead of incarceration
14 or fine, if:

15 (1) the court or a jury has found the defendant guilty
16 of an offense classified as a Class A or B misdemeanor;

17 (2) the court finds that the offense resulted from or
18 was related to the defendant's chemical dependency;

19 (3) a treatment facility approved by the commission
20 [~~department~~] is available to treat the defendant; and

21 (4) the treatment facility agrees in writing to admit
22 the defendant under this section.

23 (d) Except as provided by Section 462.080(b), a [A] juvenile
24 court may remand a child to a treatment facility for care and
25 treatment for at least 60 days but not more than 90 days after the
26 date on which the child is remanded if:

27 (1) the court finds that the child has engaged in

1 delinquent conduct or conduct indicating a need for supervision and
2 that the conduct resulted from or was related to the child's
3 chemical dependency;

4 (2) a treatment facility approved by the commission
5 [~~department~~] to accept court commitments is available to treat the
6 child; and

7 (3) the facility agrees in writing to receive the
8 child under this section.

9 SECTION 7. The changes in law made by this Act apply only to
10 an application for court-ordered treatment for chemical dependency
11 that is filed on or after the effective date of this Act. An
12 application that is filed before the effective date of this Act is
13 governed by the law as it existed immediately before that date, and
14 that law is continued in effect for that purpose.

15 SECTION 8. This Act takes effect September 1, 2023.