

By: Guillen

H.B. No. 1857

A BILL TO BE ENTITLED

AN ACT

relating to the duration of court-ordered treatment for a person with a chemical dependency.

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

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

SECTION 2. Section 462.069(a), Health and Safety Code, is amended to read as follows:

(a) The court shall commit the proposed patient to a treatment facility approved by the department to accept court commitments for at least 60 days but not more than 90 days if:

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

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

SECTION 3. Section 462.075(f), Health and Safety Code, is amended to read as follows:

(f) The court shall commit the proposed patient to a treatment facility approved by the department to accept commitments for at least 60 days but not more than 90 days if:

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

(2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been

1 proved by clear and convincing evidence.

2 SECTION 4. Sections 462.081(a) and (d), Health and Safety  
3 Code, are amended to read as follows:

4 (a) The judge of a court with jurisdiction of misdemeanor  
5 cases may remand the defendant to a treatment facility approved by  
6 the department to accept court commitments for care and treatment  
7 for at least 60 days but not more than 90 days, instead of  
8 incarceration or fine, if:

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

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

13 (3) a treatment facility approved by the department is  
14 available to treat the defendant; and

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

17 (d) A juvenile court may remand a child to a treatment  
18 facility for care and treatment for at least 60 days but not more  
19 than 90 days after the date on which the child is remanded if:

20 (1) the court finds that the child has engaged in  
21 delinquent conduct or conduct indicating a need for supervision and  
22 that the conduct resulted from or was related to the child's  
23 chemical dependency;

24 (2) a treatment facility approved by the department to  
25 accept court commitments is available to treat the child; and

26 (3) the facility agrees in writing to receive the  
27 child under this section.

1           SECTION 5. The changes in law made by this Act apply only to  
2 an application for court-ordered treatment for chemical dependency  
3 that is filed on or after the effective date of this Act. An  
4 application that is filed before the effective date of this Act is  
5 governed by the law as it existed immediately before that date, and  
6 that law is continued in effect for that purpose.

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