

By: Jetton

H.B. No. 2506

Substitute the following for H.B. No. 2506:

By: Klick

C.S.H.B. No. 2506

A BILL TO BE ENTITLED

1 AN ACT

2 relating to procedures applicable to the emergency detention of a
3 person with mental illness at a mental health facility, including
4 the detention, transportation, and transfer of the person and to
5 certain best practices for courts with jurisdiction over emergency
6 mental health matters.

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

8 SECTION 1. Sections 571.003(9) and (12), Health and Safety
9 Code, are amended to read as follows:

10 (9) "Inpatient mental health facility" means a mental
11 health facility that can provide 24-hour residential and
12 psychiatric services and that is:

13 (A) a facility operated by the department;

14 (B) a private mental hospital licensed by the
15 department;

16 (C) a community center, facility operated by or
17 under contract with a community center or other entity the
18 department designates to provide mental health services;

19 (D) a local mental health authority or a facility
20 operated by or under contract with a local mental health authority;

21 (E) a mental health or psychiatric unit of ~~an~~
22 ~~identifiable part of~~ a general hospital in which diagnosis,
23 treatment, and care for persons with mental illness is provided and
24 that is licensed by the department; or

1 (F) a hospital operated by a federal agency.

2 (12) "Mental health facility" means:

3 (A) an inpatient or outpatient mental health
4 facility operated by the department, a federal agency, a political
5 subdivision, or any person;

6 (B) a community center or a facility operated by
7 a community center;

8 (C) a mental health or psychiatric unit [~~that~~
9 ~~identifiable part~~] of a general hospital in which diagnosis,
10 treatment, and care for persons with mental illness is provided; or

11 (D) with respect to a reciprocal agreement
12 entered into under Section 571.0081, any hospital or facility
13 designated as a place of commitment by the department, a local
14 mental health authority, and the contracting state or local
15 authority.

16 SECTION 2. Section 573.001, Health and Safety Code, is
17 amended by amending Subsections (d) and (g) and adding Subsection
18 (d-1) to read as follows:

19 (d) Except as provided by Subsection (d-1), a [A] peace
20 officer who takes a person into custody under Subsection (a) shall
21 immediately:

22 (1) transport the apprehended person to[+
23 [~~(A)~~] the nearest appropriate inpatient mental
24 health facility; or

25 [~~(B) a mental health facility deemed suitable by~~
26 ~~the local mental health authority, if an appropriate inpatient~~
27 ~~mental health facility is not available; or]~~

1 (2) transfer the apprehended person to emergency
2 medical services personnel of an emergency medical services
3 provider in accordance with a memorandum of understanding executed
4 under Section 573.005 for transport to a facility described by
5 Subdivision (1) [~~(1)(A) or (B)~~].

6 (d-1) Subsection (d) does not apply to a peace officer who
7 takes into custody under Subsection (a) a person who requires
8 stabilization due to an emergency medical condition.

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

12 (1) of the reason for the detention; [~~and~~]

13 (2) of the warning described by Section 2(a), Article
14 38.22, Code of Criminal Procedure; and

15 (3) that a staff member of the facility will inform the
16 person of the person's rights at [~~within 24 hours after~~] the time
17 the person is admitted to a facility and before questioning,
18 assessing, or examining the person, as provided by Section
19 573.025(b).

20 SECTION 3. Section 573.002, Health and Safety Code, is
21 amended by adding Subsection (f) to read as follows:

22 (f) If a person who has been detained under Section 573.001
23 and transported to a facility under this section subsequently is
24 transported to a mental health facility as authorized by Section
25 573.022(d), a copy of the notification of detention form filed
26 under Subsection (a) must accompany the detained person to the
27 mental health facility.

1 SECTION 4. Section 573.012, Health and Safety Code, is
2 amended by adding Subsection (j) to read as follows:

3 (j) A judge or magistrate is not prohibited from issuing a
4 warrant under this section for a person for whom a previous warrant
5 was issued under this section unless the person was detained
6 pursuant to the previously issued warrant for a preliminary
7 examination under Section 573.021 for a period that exceeded the
8 maximum custodial period permitted under that section.

9 SECTION 5. Subchapter B, Chapter 573, Health and Safety
10 Code, is amended by adding Section 573.013 to read as follows:

11 Sec. 573.013. JUDICIAL BEST PRACTICES AND PROCEDURES. The
12 Office of Court Administration of the Texas Judicial System shall
13 develop and provide to each court in the state with jurisdiction to
14 hear emergency mental health matters under this chapter best
15 practices and procedures for ensuring that a judge or magistrate is
16 available 24 hours a day, seven days a week to respond to
17 applications for emergency detention under Section 573.012(h).

18 SECTION 6. Section 573.021, Health and Safety Code, is
19 amended by amending Subsections (a), (b), and (d) and adding
20 Subsection (a-1) to read as follows:

21 (a) A mental health facility shall temporarily accept a
22 person for whom an application for detention is filed or for whom a
23 peace officer or emergency medical services personnel of an
24 emergency medical services provider transporting the person in
25 accordance with a memorandum of understanding executed under
26 Section 573.005 files a notification of detention completed by the
27 peace officer under Section 573.002(a).

1 (a-1) A general hospital may temporarily accept and detain a
2 person for whom a warrant under Section 573.012 is issued or for
3 whom a peace officer or emergency medical services personnel of an
4 emergency medical services provider transporting the person in
5 accordance with a memorandum of understanding executed under
6 Section 573.005 files a notification of detention completed by the
7 peace officer under Section 573.002(a).

8 (b) A person accepted for a preliminary examination may be
9 detained in custody for not longer than 48 hours after the time the
10 person is presented to the mental health facility unless a written
11 order for protective custody is obtained. The 48-hour period
12 allowed by this section includes any time the patient spends
13 waiting in the mental health facility for medical care before the
14 person receives the preliminary examination. If the 48-hour
15 period ends on a Saturday, Sunday, legal holiday, or before 4 p.m.
16 on the first succeeding business day, the person may be detained
17 until 4 p.m. on the first succeeding business day. If the 48-hour
18 period ends at a different time, the person may be detained only
19 until 4 p.m. on the day the 48-hour period ends. If extremely
20 hazardous weather conditions exist or a disaster occurs, the
21 presiding judge or magistrate may, by written order made each day,
22 extend by an additional 24 hours the period during which the person
23 may be detained. The written order must declare that an emergency
24 exists because of the weather or the occurrence of a disaster.

25 (d) A mental health facility must comply with this section
26 only to the extent that the commissioner determines that a mental
27 health facility has sufficient resources to perform the necessary

1 services under this section.

2 SECTION 7. Section 573.022, Health and Safety Code, is
3 amended by adding Subsection (d) to read as follows:

4 (d) A local mental health authority that determines a person
5 detained under Section 573.002 should be transported to an
6 appropriate mental health facility before the expiration of the
7 period for emergency detention described by Section 573.021(b) may
8 submit a request for a peace officer to provide transportation. On
9 a peace officer's receipt of notice of the request from the
10 officer's supervisor, the peace officer immediately shall
11 transport the detained person to the appropriate mental health
12 facility. A copy of the notification of emergency detention for the
13 detained person filed under Section 573.002(a) must accompany the
14 detained person to the receiving facility. The receiving facility
15 may not require any form other than the copy of the peace officer's
16 notification of detention as a predicate to accepting a person for
17 emergency detention.

18 SECTION 8. 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
25 before the person is questioned, assessed, or examined, and in
26 writing in the person's primary language if possible; or

27 (2) through the use of a means reasonably calculated

1 to communicate with a hearing or visually impaired person, if
2 applicable.

3 SECTION 9. The changes in law made by this Act apply to an
4 emergency detention under Chapter 573, Health and Safety Code, that
5 begins on or after the effective date of this Act. An emergency
6 detention under Chapter 573, Health and Safety Code, that begins
7 before the effective date of this Act is governed by the law as it
8 existed immediately before that date, and that law is continued in
9 effect for that purpose.

10 SECTION 10. As soon as practicable after the effective date
11 of this Act, the Office of Court Administration of the Texas
12 Judicial System shall develop the best practices and procedures as
13 required by Section 573.013, Health and Safety Code, as added by
14 this Act.

15 SECTION 11. This Act takes effect September 1, 2023.