

By: Jetton

H.B. No. 2506

A BILL TO BE ENTITLED

AN ACT

1
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. Section 571.003(9) and 571.001(12), Health and
9 Safety Code, are amended as follows:

10 Sec. 571.003. DEFINITIONS. In this subtitle:

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

14 (A) a facility operated by the department;

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

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

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

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

1 department; or

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

3 (12) "Mental health facility" means:

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

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

9 (C) that ~~identifiable part~~ mental health or psychiatric
10 unit of a general hospital ~~in which diagnosis, treatment,~~ that is
11 licensed by the department to diagnose, treat, and care for persons
12 with mental illness ~~is provided;~~ or

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

17 SECTION ~~12~~. Section 573.001, Health and Safety Code, is
18 amended by amending Subsection (d) and adding Subsection (d-1) to
19 read as follows:

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

23 [~~(1)~~] transport the apprehended person to[+]

24 [~~(A)~~] the nearest appropriate inpatient mental
25 health facility located within 100 miles from where the person was
26 apprehended [~~, or~~

27 [~~(B)~~ a mental health facility deemed suitable by

1 ~~the local mental health authority, if an appropriate inpatient~~
2 ~~mental health facility is not available; or~~

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

8 (d-1) Subsection (d) does not apply to a peace officer who
9 takes into custody under Subsection (a) a person who needs to be
10 stabilized—stabilization of a physical emergency medical
11 condition.

12 SECTION ~~23~~. Section 573.002, Health and Safety Code, is
13 amended by adding Subsection (f) to read as follows:

14 (f) If a person who has been detained under Section 573.001
15 and transported to a facility under this section subsequently is
16 transported to a mental health facility as authorized by Section
17 573.022(d), a copy of the notification of detention form filed
18 under Subsection (a) must accompany the detained person to the
19 mental health facility.

20 SECTION 4. Section 573.012, Health and Safety Code, is
21 amended by adding subsection (i) to read as follows:

22 (i) Unless a person whom the warrant is sought has
23 continually been detained at a mental health facility, a prior
24 emergency detention under this Chapter does not prohibit a judge or
25 magistrate from issuing a warrant pursuant to this section.

26 SECTION ~~35~~. Subchapter B, Chapter 573, Health and Safety
27 Code, is amended by adding Section 573.013 to read as follows:

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

8 SECTION 46. Sections 573.021(a), (b), and (d), Health and
9 Safety Code, are amended to read as follows:

10 (a) A mental health facility shall temporarily accept a
11 person for whom an application for detention is filed or for whom a
12 peace officer or emergency medical services personnel of an
13 emergency medical services provider transporting the person in
14 accordance with a memorandum of understanding executed under
15 Section 573.005 files a notification of detention completed by the
16 peace officer under Section 573.002(a).

17 (b) A person accepted for a preliminary examination may be
18 detained in custody for not longer than 48 hours after the time the
19 person is presented to the mental health facility unless a written
20 order for protective custody is obtained. The 48-hour period
21 allowed by this section includes any time the patient spends
22 waiting in the mental health facility for medical care before the
23 person receives the preliminary examination. If the 48-hour period
24 ends on a Saturday, Sunday, legal holiday, or before 4 p.m. on the
25 first succeeding business day, the person may be detained until 4
26 p.m. on the first succeeding business day. If the 48-hour period
27 ends at a different time, the person may be detained only until 4

1 p.m. on the day the 48-hour period ends. If extremely hazardous
2 weather conditions exist or a disaster occurs, the presiding judge
3 or magistrate may, by written order made each day, extend by an
4 additional 24 hours the period during which the person may be
5 detained. The written order must declare that an emergency exists
6 because of the weather or the occurrence of a disaster.

7 (d) A mental health facility must comply with this section
8 only to the extent that the commissioner determines that a mental
9 health facility has sufficient resources to perform the necessary
10 services under this section.

11 SECTION ~~57~~. Section 573.022, Health and Safety Code, is
12 amended by adding Subsection (d) to read as follows:

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

27 SECTION ~~68~~. The changes in law made by this Act apply to an

1 emergency detention under Chapter 573, Health and Safety Code, that
2 begins on or after the effective date of this Act. An emergency
3 detention under Chapter 573, Health and Safety Code, that begins
4 before the effective date of this Act is governed by the law as it
5 existed immediately before that date, and that law is continued in
6 effect for that purpose.

7 SECTION ~~79~~. As soon as practicable after the effective date
8 of this Act, the Office of Court Administration of the Texas
9 Judicial System shall develop the best practices and procedures as
10 required by Section 573.013, Health and Safety Code, as added by
11 this Act.

12 SECTION ~~8~~10. This Act takes effect September 1, 2023.