

By: Rodriguez

H.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to the detention of persons for mental health purposes.

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

SECTION 1. Section 573.001, Health and Safety Code, is amended by amending Subsections (e) and (f) and by adding Subsection (g) to read as follows:

(e) A jail or other nonmedical [~~similar detention~~] facility used to detain persons who are charged with or convicted of a crime may not be deemed suitable for purposes of Subsection (d)(2) except as a last resort and only if a hospital emergency room or other facility the local mental health authority deems suitable is not accessible to the apprehending officer within 75 miles. A person may not be detained in such a facility for more than 12 hours. The sheriff or other officeholder responsible for the facility shall document the time at which the person's detention begins, the duration of the detention, the reason for the detention, and the time a representative of the local mental health authority arrives at the facility [~~except in an extreme emergency~~].

(f) The sheriff or other officeholder responsible for [A person detained in] a jail or other [a] nonmedical facility used to detain persons who are charged with or convicted of a crime shall ensure that a person detained in the jail or facility under Subsection (e) is [be] kept separate from any person who is charged with or convicted of a crime.

1       (g) Each local mental health authority shall develop  
2 suitable alternatives for short-term detention of persons under  
3 this section.

4       SECTION 2. Section 573.012, Health and Safety Code, is  
5 amended by adding Subsections (h)-(j) to read as follows:

6       (h) A jail or other nonmedical facility used to detain  
7 persons who are charged with or convicted of a crime may not be  
8 deemed suitable for purposes of Subsection (e)(2) except as a last  
9 resort and only if a hospital emergency room or other facility the  
10 local mental health authority deems suitable is not accessible to  
11 the apprehending officer within 75 miles. A person may not be  
12 detained in such a facility for more than 12 hours. The sheriff or  
13 other officeholder responsible for the facility shall document the  
14 time at which the person's detention begins, the duration of the  
15 detention, the reason for the detention, and the time a  
16 representative of the local mental health authority arrives at the  
17 facility.

18       (i) The sheriff or other officeholder responsible for a jail  
19 or other nonmedical facility used to detain persons who are charged  
20 with or convicted of a crime shall ensure that a person detained in  
21 the jail or facility under Subsection (h) is kept separate from any  
22 person who is charged with or convicted of a crime.

23       (j) Each local mental health authority shall develop  
24 suitable alternatives for short-term detention of persons under  
25 this section.

26       SECTION 3. Section 574.027, Health and Safety Code, is  
27 amended by amending Subsection (c) and adding Subsection (e) to

1 read as follows:

2 (c) A person under a protective custody order may not be  
3 detained in a jail or other nonmedical facility used to detain  
4 persons who are charged with or convicted of a crime except as a  
5 last resort and only if a hospital emergency room or other facility  
6 the local mental health authority deems suitable is not accessible  
7 to the apprehending officer within 75 miles. A person may not be  
8 detained in such a facility for more than 12 hours. The sheriff or  
9 other officeholder responsible for the facility shall document the  
10 time at which the person's detention begins, the duration of the  
11 detention, the reason for the detention, and the time a  
12 representative of the local mental health authority arrives at the  
13 facility. The sheriff or other officeholder responsible for a jail  
14 or other nonmedical facility used to detain persons who are charged  
15 with or convicted of a crime shall ensure that a person detained in  
16 the jail or facility under this subsection is kept separate  
17 ~~[because of and during an extreme emergency and in no case for~~  
18 ~~longer than 72 hours, excluding Saturdays, Sundays, legal holidays,~~  
19 ~~and the period prescribed by Section 574.025(b) for an extreme~~  
20 ~~emergency. The person must be isolated]~~ from any person who is  
21 charged with or convicted of a crime.

22 (e) Each local mental health authority shall develop  
23 suitable alternatives for short-term detention of persons under  
24 this section.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2003.