

By: Naishtat

H.B. No. 518

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the detention and examination of certain persons for
3 whom an application for emergency detention or a motion for an order
4 of protective custody has been filed.

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

6 SECTION 1. Sections 573.021(b) and (c), Health and Safety
7 Code, are amended to read as follows:

8 (b) A person accepted for a preliminary examination may be
9 detained in custody for not longer than 48 [~~24~~] hours after the time
10 the person is presented to the facility unless a written order for
11 protective custody [~~further detention~~] is obtained. The 48-hour
12 [~~24-hour~~] period allowed by this section includes any time the
13 patient spends waiting in the facility for medical care before the
14 person receives the preliminary examination. [~~The period does not~~
15 ~~include any time during which the person is actually receiving~~
16 ~~necessary medical care in the facility's emergency room or~~
17 ~~emergency care in another area of the facility.~~] If the 48-hour
18 [~~24-hour~~] period ends on a Saturday, Sunday, legal holiday, or
19 before 4 p.m. on the first succeeding business day, the person may
20 be detained until 12 [4] p.m. on the first succeeding business day.
21 If the 48-hour period ends at a different time, the person may be
22 detained only until 4 p.m. on the day the 48-hour period ends. If
23 extremely hazardous weather conditions exist or a disaster occurs,
24 the presiding judge or magistrate may, by written order made each

1 day, extend by an additional 24 hours the period during which the
2 person may be detained. The written order must declare that an
3 emergency exists because of the weather or the occurrence of a
4 disaster.

5 (c) A physician shall examine the person as soon as possible
6 within 12 [~~24~~] hours after the time the person is apprehended by the
7 peace officer or transported for emergency detention by the
8 person's guardian.

9 SECTION 2. Section 574.021(d), Health and Safety Code, is
10 amended to read as follows:

11 (d) The motion must be accompanied by a certificate of
12 medical examination for mental illness prepared by a physician who
13 has examined the proposed patient not earlier than the third
14 [~~fifth~~] day before the day the motion is filed.

15 SECTION 3. The change in law made by this Act applies only
16 to the detention and examination of a person admitted for a
17 preliminary examination under Section 573.021, Health and Safety
18 Code, on or after the effective date of this Act and to the filing of
19 a motion for emergency detention under Section 574.021, Health and
20 Safety Code, on or after the effective date of this Act. The
21 detention and examination of a person admitted for a preliminary
22 examination before the effective date of this Act is governed by the
23 law in effect when the person was admitted, the filing of a motion
24 for an order of protective custody is governed by the law in effect
25 on the date the motion is filed, and the former law is continued in
26 effect for those purposes.

27 SECTION 4. This Act takes effect September 1, 2007.