

By: Naishtat (Senate Sponsor - Brimer) H.B. No. 518
(In the Senate - Received from the House April 16, 2007;
April 17, 2007, read first time and referred to Committee on Health
and Human Services; May 2, 2007, reported favorably by the
following vote: Yeas 7, Nays 0; May 2, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

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

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

SECTION 3. (a) The Department of State Health Services
shall conduct a study of the effects the change in law made by this
Act has on:

(1) reducing the overall number of admissions to state
mental health facilities; and

(2) the number of admissions of persons to state
mental health facilities for periods of less than 96 hours.

(b) The Department of State Health Services shall include in
a report on the conclusions of the study information concerning
relevant admissions to state mental health facilities:

(1) during the 24-month period preceding the effective
date of this Act; and

(2) during the 12-month period following the effective
date of this Act.

(c) Not later than December 31, 2008, the Department of
State Health Services shall provide the report on the study's
conclusions to the governor, the lieutenant governor, the speaker
of the house of representatives, and the presiding officers of the
Senate Committee on Health and Human Services and the House Public
Health Committee.

SECTION 4. The change in law made by this Act applies only to the detention and examination of a person admitted for a preliminary examination under Section 573.021, Health and Safety Code, on or after the effective date of this Act and to the filing of a motion for emergency detention under Section 574.021, Health and Safety Code, on or after the effective date of this Act. The detention and examination of a person admitted for a preliminary examination before the effective date of this Act is governed by the law in effect when the person was admitted, the filing of a motion for an order of protective custody is governed by the law in effect on the date the motion is filed, and the former law is continued in effect for those purposes.

SECTION 5. This Act takes effect September 1, 2007.

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