

By: Brimer

S.B. No. 925

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the time a person may be detained in custody for a
3 preliminary examination.

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

5 SECTION 1. Section 573.021(b), Health and Safety Code, is
6 amended to read as follows:

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

1 SECTION 2. The change in law made by this Act applies only
2 to the detention of a person admitted for a preliminary examination
3 under Section 573.021, Health and Safety Code, on or after the
4 effective date of this Act. The detention of a person admitted for
5 a preliminary examination before the effective date of this Act is
6 covered by the law in effect when the person was admitted, and the
7 former law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2007.