

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1162  
By: Wentworth  
Health & Human Services  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not allow a professional to report to authorities if an individual has revealed to the professional that the individual may do harm to themselves or others.

S.B. 1162 would allow a professional to report to law enforcement if an individual, under their care, reveals to them that the individual might cause harm to themselves or others.

As proposed, S.B. 1162 amends current law relating to reporting regarding, the apprehension and transportation of, and records relating to certain persons who are or may be persons with mental illness.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 611.004, Health and Safety Code, by adding Subsections (e) and (f), as follows:

(e) Requires a professional to report to law enforcement personnel and disclose confidential information relating to a patient if the professional has reason to believe and does believe that the patient or another person is mentally ill and intends to:

- (1) attempt suicide by acting in a manner that provokes a lethal response by a police officer;
- (2) cause serious bodily injury to a government official; or
- (3) cause serious bodily injury to another individual.

(f) Provides that a professional who in good faith discloses confidential information in accordance with Subsection (e) is immune from civil or criminal liability for that disclosure.

SECTION 2. Amends Subchapter A, Chapter 573, Health and Safety Code, by adding Section 573.0015, as follows:

Sec. 573.0015. APPREHENSION BY PEACE OFFICER WITHOUT WARRANT ON CERTAIN REPORT BY MENTAL HEALTH PROFESSIONAL. Authorizes a peace officer, without a warrant, to take a person into custody in the manner provided in Section 573.001 (Apprehension by Peace Officer Without Warrant) if the officer receives from a mental health professional a report in accordance with Section 611.004(e) of the professional's belief that the person is mentally ill and intends to attempt an action described by that subsection.

SECTION 3. Amends Title 1, Code of Criminal Procedure, by adding Chapter 5A, as follows:

CHAPTER 5A. PREVENTION OF SUICIDE AND PHYSICAL VIOLENCE BY  
MENTALLY ILL PERSONS

Art. 5A.01. REPORT OF APPREHENSION OF CERTAIN PERSONS BELIEVED TO BE MENTALLY ILL AND DANGEROUS REQUIRED. (a) Requires a peace officer who takes a person into custody in accordance with Section 573.0015, Health and Safety Code, to make a written report that includes:

(1) the name of the person taken into custody;

(2) the name of the mental health professional who reported to law enforcement personnel in accordance with Section 611.004(e), Health and Safety Code, the professional's belief that the person is mentally ill and intends to attempt an action described by that subsection;

(3) a description of the action the professional believes the person intended to take; and

(4) the name of the government official or other individual to whom the person intended to cause serious bodily injury, if applicable.

(b) Requires a peace officer to provide a copy of the report described by Subsection (a) to the bureau of identification and records of the Department of Public Safety of the State of Texas (bureau; DPS) for the bureau's recordkeeping function under Section 411.042 (Bureau of Identification and Records), Government Code.

Art. 5A.02. CERTAIN RECORDKEEPING REQUIRED. (a) Requires each local law enforcement agency to establish a departmental code for identifying and retrieving reports received under Article 5A.01.

(b) Requires each local law enforcement agency, in order to ensure that an officer investigating an incident or responding to a disturbance call that involves or may involve a person who is mentally ill is aware of the existence of a report made under Article 5A.01(a), to establish procedures within the agency to provide to officers adequate information or access to information concerning the identity of a person identified in a report as a person who has been taken into custody because of a report by a mental health professional under Section 611.004(e), Health and Safety Code, and the action the professional believes the person intended to take.

(c) Entitles the district or county attorney exercising authority in the county in which the law enforcement agency has jurisdiction to access the records created under this chapter.

SECTION 4. Amends Section 411.042(b), Government Code, as follows:

(b) Requires the bureau to:

(1)-(7) Makes no changes to these subdivisions;

(8)-(9) Makes nonsubstantive changes;

(10) procure and file for record fingerprints and other pertinent information of each person:

(A) ordered by a court to receive inpatient mental health services under Chapter 574 (Court-Ordered Mental Health Services), Health and Safety Code; or

(B) acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered by a court to receive inpatient treatment or residential care under Chapter 46C (Insanity Defense), Code of Criminal Procedure; and

(11) collect and disseminate information regarding the apprehension of certain persons because of a report by a mental health professional under Section 611.004(e), Health and Safety Code.

SECTION 5. Repealer: Section 574.045(e) (relating to prohibiting a patient from being transported in a marked police or sheriff's car or accompanied by a uniformed officer unless other means are not available), Health and Safety Code.

SECTION 6. Makes application of Section 611.004(f), Health and Safety Code, as added by this Act, prospective.

SECTION 7. Requires DPS, as soon as practicable after the effective date of this Act, to procure and file the fingerprints and information required by Section 411.042(b)(10), Government Code, as added by this Act.

SECTION 8. Effective date: September 1, 2011.