

Amend CSHB 1947 (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 571.003, Health and Safety Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Gravely disabled" means a person who, as a result of mental illness, is:

(A) suffering severe and ongoing mental, emotional, or physical distress;

(B) in danger of serious physical harm or serious illness due to the person's inability to function independently, which is exhibited by the person's inability due to mental illness, except for reasons of indigence, to provide for the person's basic needs, including food, clothing, shelter, medical care, health, or safety; and

(C) unable to make a rational and informed decision as to whether to submit to treatment.

SECTION 2. Section 573.001(b), Health and Safety Code, is amended to read as follows:

(b) A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:

(1) the person's behavior; or

(2) evidence of the person being gravely disabled [~~severe emotional distress and deterioration in the person's mental condition~~] to the extent that the person cannot remain at liberty.

SECTION 3. Section 573.003(b), Health and Safety Code, is amended to read as follows:

(b) A substantial risk of serious harm to the ward or others under Subsection (a)(2) may be demonstrated by:

(1) the ward's behavior; or

(2) evidence of the ward being gravely disabled [~~severe emotional distress and deterioration in the ward's mental condition~~] to the extent that the ward cannot remain at liberty.

SECTION 4. Section 573.012(c), Health and Safety Code, is amended to read as follows:

(c) A substantial risk of serious harm to the person or others under Subsection (b)(2) may be demonstrated by:

(1) the person's behavior; or

(2) evidence of the person being gravely disabled [~~severe emotional distress and deterioration in the person's mental condition~~] to the extent that the person cannot remain at liberty.

SECTION 5. Section 573.022(a), Health and Safety Code, is amended to read as follows:

(a) A person may be admitted to a facility for emergency detention only if the physician who conducted the preliminary examination of the person makes a written statement that:

(1) is acceptable to the facility;

(2) states that after a preliminary examination it is the physician's opinion that:

(A) the person is mentally ill;

(B) the person evidences a substantial risk of serious harm to himself or others;

(C) the described risk of harm is imminent unless the person is immediately restrained; and

(D) emergency detention is the least restrictive means by which the necessary restraint may be accomplished; and

(3) includes:

(A) a description of the nature of the person's mental illness;

(B) a specific description of the risk of harm the person evidences that may be demonstrated either by the person's behavior or by evidence of the person being gravely disabled [~~severe emotional distress and deterioration in the person's mental condition~~] to the extent that the person cannot remain at liberty; and

(C) the specific detailed information from which the physician formed the opinion in Subdivision (2).

SECTION 6. Section 574.011(d), Health and Safety Code, is amended to read as follows:

(d) If the certificate is offered in support of a motion for a protective custody order, the certificate must also include the examining physician's opinion that the examined person presents a substantial risk of serious harm to himself or others if not immediately restrained. The harm may be demonstrated by the examined person's behavior or by evidence of the person being

gravely disabled [~~severe emotional distress and deterioration in the examined person's mental condition~~] to the extent that the examined person cannot remain at liberty.

SECTION 7. Section 574.022(b), Health and Safety Code, is amended to read as follows:

(b) The determination that the proposed patient presents a substantial risk of serious harm may be demonstrated by the proposed patient's behavior or by evidence of the person being gravely disabled [~~severe emotional distress and deterioration in the proposed patient's mental condition~~] to the extent that the proposed patient cannot remain at liberty.

SECTION 8. Sections 574.034(a) and (d), Health and Safety Code, are amended to read as follows:

(a) The judge may order a proposed patient to receive court-ordered temporary inpatient mental health services only if the judge or jury finds, from clear and convincing evidence, that:

(1) the proposed patient is mentally ill; and
(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to himself;
(B) is likely to cause serious harm to others; or
(C) is gravely disabled [~~+~~
[~~(i) suffering severe and abnormal mental, emotional, or physical distress;~~
[~~(ii) experiencing substantial mental or physical deterioration of the proposed patient's ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; and~~
[~~(iii) unable to make a rational and informed decision as to whether or not to submit to treatment~~].

(d) To be clear and convincing under Subsection (a), the evidence must include expert testimony and, unless waived, evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the likelihood of serious harm to the proposed

patient or others; or

(2) the proposed patient being gravely disabled
~~[patient's distress and the deterioration of the proposed patient's
ability to function].~~

SECTION 9. Sections 574.035(a) and (e), Health and Safety Code, are amended to read as follows:

(a) The judge may order a proposed patient to receive court-ordered extended inpatient mental health services only if the jury, or the judge if the right to a jury is waived, finds, from clear and convincing evidence, that:

(1) the proposed patient is mentally ill;

(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to himself;

(B) is likely to cause serious harm to others; or

(C) is gravely disabled [+

~~[(i) suffering severe and abnormal mental,
emotional, or physical distress;~~

~~[(ii) experiencing substantial mental or
physical deterioration of the proposed patient's ability to
function independently, which is exhibited by the proposed
patient's inability, except for reasons of indigence, to provide
for the proposed patient's basic needs, including food, clothing,
health, or safety; and~~

~~[(iii) unable to make a rational and
informed decision as to whether or not to submit to treatment];~~

(3) the proposed patient's condition is expected to continue for more than 90 days; and

(4) the proposed patient has received court-ordered inpatient mental health services under this subtitle or under Chapter 46B, Code of Criminal Procedure, for at least 60 consecutive days during the preceding 12 months.

(e) To be clear and convincing under Subsection (a), the evidence must include expert testimony and evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the likelihood of serious harm to the proposed patient or others; or

(2) the proposed patient being gravely disabled
[~~patient's distress and the deterioration of the proposed patient's
ability to function~~].

SECTION 10. This Act takes effect September 1, 2013.