

## **BILL ANALYSIS**

H.B. 1738  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, peace officers are authorized to apprehend and transport individuals with mental illnesses who may pose a danger to themselves or others. The peace officer must submit an application for emergency detention, which is then reviewed by the facility staff, who determines whether emergency admission to the facility is required. The application contains important information such as the circumstances of apprehension, a description of the individual's behavior and risk of harm, and information obtained from witnesses who reported or observed the behavior. Interested parties assert that police departments, sheriffs' departments, and hospitals across Texas are using different forms that do not contain the same information or use a conventional format, which creates problems of inconsistency for law enforcement officers, courts, and medical staff. Additionally, these parties contend that some forms can have other requirements, such as a requirement for notarization, which can consume the officer's time and be difficult to fulfill during after business hours.

H.B. 1738 seeks to make more efficient use of officer resources and improve the manner in which critical information about a person apprehended for emergency detention is provided to hospital staff and the courts by creating a standardized emergency detention form.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1738 amends the Health and Safety Code to require a peace officer to immediately file with a mental health facility a notification of detention, rather than an application for detention, after transporting a person the officer apprehended without a warrant and believes is mentally ill to that facility for emergency detention. The bill requires the facility where such a person is detained to include in the detained person's clinical file the notification of detention. The bill requires the peace officer to give the notification of detention on a specified form and prohibits a mental health facility or hospital emergency department from requiring a peace officer to execute any form other than the specified form as a predicate to accepting for temporary admission a person detained for emergency detention who was apprehended without a warrant.

### **EFFECTIVE DATE**

September 1, 2013.