

By: Dukes

H.B. No. 447

A BILL TO BE ENTITLED

AN ACT

relating to the rights of a person apprehended without a warrant for emergency detention.

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

SECTION 1. Section 573.001, Health and Safety Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) A peace officer who takes a person into custody under Subsection (a) shall immediately inform the person orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) that the person will be informed of the person's rights in accordance with Subsection (h) within three hours after the time the person is initially transported to a facility by the peace officer under this section.

(h) A person taken into custody under Subsection (a) must be informed of the person's rights under Section 573.025 and this subtitle in simple, nontechnical terms, within three hours after the time the person is initially transported to a facility under this section. The executive commissioner of the Health and Human Services Commission by rule shall prescribe the manner in which the person is informed of the rights. At a minimum, the rules must require that:

(1) the person receive a written copy of the rights in the person's primary language, if possible; and

1 (2) the rights be explained to the person orally or
2 through the use of a means reasonably calculated to communicate
3 with a hearing-impaired or visually impaired person, if applicable.

4 SECTION 2. Section 573.025, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 573.025. RIGHTS OF PERSONS APPREHENDED, DETAINED, OR
7 TRANSPORTED FOR EMERGENCY DETENTION. (a) A person apprehended,
8 detained, or transported for emergency detention under this chapter
9 has the right:

10 (1) to be advised of the location of detention, the
11 reasons for the detention, and the fact that the detention could
12 result in a longer period of involuntary commitment;

13 (2) to a reasonable opportunity to communicate with
14 and retain an attorney;

15 (3) to be transported to a location as provided by
16 Section 573.024 if the person is not admitted for emergency
17 detention, unless the person is arrested or objects;

18 (4) to be released from a facility as provided by
19 Section 573.023;

20 (5) to be advised that communications with a mental
21 health professional may be used in proceedings for further
22 detention; ~~and~~

23 (6) to be transported in accordance with Sections
24 573.026 and 574.045, if the person is detained under Section
25 573.022 or transported under an order of protective custody under
26 Section 574.023; and

27 (7) to a reasonable opportunity to communicate with a

1 relative or other responsible person who has a proper interest in
2 the person's welfare.

3 (b) Regardless of whether the person was previously
4 informed under Section 573.001, a [A] person apprehended, detained,
5 or transported for emergency detention under this subtitle shall be
6 informed of the rights provided by this section and this subtitle:

7 (1) orally in simple, nontechnical terms, within 24
8 hours after the time the person is admitted to a facility, and in
9 writing in the person's primary language if possible; or

10 (2) through the use of a means reasonably calculated
11 to communicate with a hearing or visually impaired person, if
12 applicable.

13 SECTION 3. This Act takes effect September 1, 2013.