

By: Burkett

H.B. No. 1109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to peace officer interaction with persons with mental
3 illness.

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

5 SECTION 1. Chapter 14, Code of Criminal Procedure, is
6 amended by adding Article 14.07 to read as follows:

7 Art. 14.07. EMERGENCY CALLS INVOLVING PERSONS WITH MENTAL
8 ILLNESS. (a) In this article, "mental illness" has the meaning
9 assigned by Section 571.003, Health and Safety Code.

10 (b) A peace officer answering an emergency call shall
11 attempt to determine whether any person involved in the emergency
12 call is a person with a mental illness.

13 (c) If a peace officer reasonably believes that a person
14 involved in an emergency call is a person with a mental illness and
15 does not have reason to believe that the person has committed an
16 offense, the peace officer:

17 (1) shall notify the local mental health authorities;

18 (2) may provide appropriate assistance to the person;

19 and

20 (3) may take the person into custody under Section
21 573.001, Health and Safety Code.

22 (d) If a peace officer reasonably believes that a person
23 involved in an emergency call is a person with a mental illness and
24 has probable cause to believe that the person has committed a

1 misdemeanor offense, the peace officer may:

2 (1) issue a citation in lieu of arresting the person if
3 authorized under Article 14.06; or

4 (2) take the person into custody under Section
5 573.001, Health and Safety Code.

6 SECTION 2. Section 1701.253(b), Occupations Code, is
7 amended to read as follows:

8 (b) In establishing requirements under this section, the
9 commission shall require courses and programs to provide training
10 in:

11 (1) the investigation and documentation of cases that
12 involve:

13 (A) child abuse or neglect;

14 (B) family violence; ~~and~~

15 (C) sexual assault; and

16 (D) mental illness;

17 (2) issues concerning sex offender characteristics;
18 and

19 (3) crime victims' rights under Chapter 56, Code of
20 Criminal Procedure, and Chapter 57, Family Code, and the duty of law
21 enforcement agencies to ensure that a victim is afforded those
22 rights.

23 SECTION 3. Article 14.07, Code of Criminal Procedure, as
24 added by this Act, applies only to a peace officer response to an
25 emergency call that occurs on or after the effective date of this
26 Act. A peace officer response to an emergency call that occurs
27 before the effective date of this Act is covered by the law in

1 effect when the emergency call was made, and the former law is
2 continued in effect for that purpose.

3 SECTION 4. The Commission on Law Enforcement Officer
4 Standards and Education shall modify the training required by
5 Section 1701.253(b), Occupations Code, as amended by this Act, and
6 ensure that the modified training is available not later than
7 January 1, 2014.

8 SECTION 5. This Act takes effect September 1, 2013.