

By: Fletcher

H.B. No. 1690

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to measures to prevent or control the entry into or spread  
3 in this state of certain communicable diseases; providing a  
4 penalty.

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

6 SECTION 1. Section 81.003, Health and Safety Code, is  
7 amended by adding Subdivision (4-a) to read as follows:

8 (4-a) "Peace officer" has the meaning assigned by  
9 Article 2.12, Code of Criminal Procedure. The term includes a  
10 sheriff or constable.

11 SECTION 2. Section 81.083, Health and Safety Code, is  
12 amended by adding Subsection (m) to read as follows:

13 (m) A peace officer, including a sheriff or constable, may  
14 use reasonable force to:

15 (1) secure the members of a group subject to an order  
16 issued under Subsection (k); and

17 (2) except as directed by the department or health  
18 authority, prevent the members from leaving the group or other  
19 individuals from joining the group.

20 SECTION 3. Section 81.084, Health and Safety Code, is  
21 amended by adding Subsection (l) to read as follows:

22 (l) A peace officer, including a sheriff or constable, may  
23 use reasonable force to:

24 (1) secure a property subject to a court order issued

1 under this section; and

2 (2) except as directed by the department or health  
3 authority, prevent an individual from entering or leaving the  
4 property subject to the order.

5 SECTION 4. Section 81.085, Health and Safety Code, is  
6 amended by adding Subsection (j) to read as follows:

7 (j) A peace officer, including a sheriff or constable, may  
8 use reasonable force to:

9 (1) secure a quarantine area; and

10 (2) except as directed by the department or health  
11 authority, prevent an individual from entering or leaving the  
12 quarantine area.

13 SECTION 5. Section 81.162, Health and Safety Code, is  
14 amended by adding Subsection (h) to read as follows:

15 (h) The judge or magistrate may direct a peace officer,  
16 including a sheriff or constable, to prevent a person who is the  
17 subject of a protective custody order from leaving the facility  
18 designated to detain the person if the court finds that a threat to  
19 the public health exists because the person may attempt to leave the  
20 facility.

21 SECTION 6. Section 81.163, Health and Safety Code, is  
22 amended by amending Subsection (a) and adding Subsection (f) to  
23 read as follows:

24 (a) A protective custody order shall direct a peace officer,  
25 including a sheriff or constable, to take the person who is the  
26 subject of the order into protective custody and transport the  
27 person immediately to an appropriate inpatient health facility that

1 has been designated by the commissioner as a suitable place.

2 (f) A protective custody order issued under Section 81.162  
3 may direct an emergency medical services provider to provide an  
4 ambulance and staff to immediately transport the person who is the  
5 subject of the order to an appropriate inpatient health facility  
6 designated by the order or other suitable facility. The provider  
7 may seek reimbursement for the costs of the transport from any  
8 appropriate source.

9 SECTION 7. Section 81.185, Health and Safety Code, is  
10 amended by amending Subsection (a) and adding Subsection (e) to  
11 read as follows:

12 (a) The order for temporary detention shall direct a peace  
13 officer, including a sheriff or constable, to take the person into  
14 custody and immediately transport the person to an appropriate  
15 inpatient health care facility. The person shall be transported to  
16 a facility considered suitable by the health authority if an  
17 appropriate inpatient health care facility is not available.

18 (e) The order for temporary detention may direct an  
19 emergency medical services provider to provide an ambulance and  
20 staff to immediately transport the person who is the subject of the  
21 order to an appropriate inpatient health care facility designated  
22 by the order or other suitable facility. The provider may seek  
23 reimbursement for the costs of the transport from any appropriate  
24 source.

25 SECTION 8. Section 81.190, Health and Safety Code, is  
26 amended by adding Subsection (g) to read as follows:

27 (g) If the department or health authority advises the court

1 that the person must remain in isolation or quarantine and that  
2 exposure to the judge or the public would jeopardize the health and  
3 safety of those persons and the public health, the judge may order  
4 that a person entitled to a hearing may not appear in person and may  
5 appear only by teleconference or another means that the judge finds  
6 appropriate to allow the person to speak, to interact with  
7 witnesses, and to confer with the person's attorney.

8 SECTION 9. Subchapter G, Chapter 81, Health and Safety  
9 Code, is amended by adding Section 81.212 to read as follows:

10 Sec. 81.212. EVADING OR RESISTING APPREHENSION OR  
11 TRANSPORT; CRIMINAL PENALTY. (a) A person who is subject to a  
12 protective custody order or temporary detention order issued by a  
13 court under this subchapter commits an offense if the person  
14 resists or evades apprehension by a sheriff, constable, or other  
15 peace officer enforcing the order or resists or evades transport to  
16 an appropriate inpatient health care facility or other suitable  
17 facility under the order.

18 (b) A person commits an offense if the person assists a  
19 person who is subject to a protective custody order or temporary  
20 detention order issued by a court under this subchapter in  
21 resisting or evading apprehension by a sheriff, constable, or other  
22 peace officer enforcing the order or in resisting or evading  
23 transport to an appropriate inpatient health care facility or other  
24 suitable facility under the order.

25 (c) An offense under this section is a Class A misdemeanor.

26 SECTION 10. The change in law made by this Act applies only  
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 governed by the law in effect on the date the offense was committed,  
3 and the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense occurred  
6 before that date.

7 SECTION 11. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2013.