

By: Naishtat, Burkett

H.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

relating to a standard form of notification for the detention of a person with mental illness.

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

SECTION 1. Section 573.002, Health and Safety Code, is amended to read as follows:

Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF [~~APPLICATION FOR~~] DETENTION. (a) A peace officer shall immediately file with a facility a notification of [~~an application for~~] detention after transporting a person to that [~~a~~] facility in accordance with [~~under~~] Section 573.001.

(b) The notification of [~~application for~~] detention must contain:

(1) a statement that the officer has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to himself or others;

(3) a specific description of the risk of harm;

(4) a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats

1 that were observed by or reliably reported to the officer;

2 (6) a detailed description of the specific behavior,
3 acts, attempts, or threats; and

4 (7) the name and relationship to the apprehended
5 person of any person who reported or observed the behavior, acts,
6 attempts, or threats.

7 (c) The facility where the person is detained shall include
8 in the detained person's clinical file the notification of
9 detention described by this section.

10 (d) The peace officer shall give the notification of
11 detention on the following form:

12 Notification--Emergency Detention NO. _____

13 THE STATE OF TEXAS

14 FOR THE BEST INTEREST AND PROTECTION OF:

15 _____

16 NOTIFICATION OF EMERGENCY DETENTION

17 Now comes _____, a peace officer with
18 (name of agency) _____, of the State of
19 Texas, and states as follows:

20 1. I have reason to believe and do believe that (name of person to
21 be detained) _____ evidences mental illness.

22 2. I have reason to believe and do believe that the above-named
23 person evidences a substantial risk of serious harm to

1 himself/herself or others based upon the following:

2 _____
3 _____
4 _____
5 _____

6 3. I have reason to believe and do believe that the above risk of
7 harm is imminent unless the above-named person is immediately
8 restrained.

9 4. My beliefs are based upon the following recent behavior, overt
10 acts, attempts, statements, or threats observed by me or reliably
11 reported to me:

12 _____
13 _____
14 _____
15 _____

16 5. The names, addresses, and relationship to the above-named
17 person of those persons who reported or observed recent behavior,
18 acts, attempts, statements, or threats of the above-named person
19 are (if applicable):

20 _____
21 _____
22 _____
23 _____

24 For the above reasons, I present this notification to seek
25 temporary admission to the (name of facility)

