By: Naishtat, Burkett

H.B. No. 1738

## A BILL TO BE ENTITLED

	AN ACT

- 2 relating to a standard form of notification for the detention of a
- 3 person with mental illness.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Section 573.002, Health and Safety Code, is
- 6 amended to read as follows:
- 7 Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF [APPLICATION
- 8  $\frac{\text{FOR}}{\text{POR}}$ ] DETENTION. (a) A peace officer shall immediately file  $\frac{\text{with a}}{\text{POR}}$
- 9 <u>facility a notification of</u> [an application for] detention after
- 10 transporting a person to  $\frac{1}{2}$  that  $\frac{1}{2}$  facility  $\frac{1}{2}$  accordance with
- 11 [under] Section 573.001.
- 12 (b) The <u>notification of [application for]</u> detention must
- 13 contain:
- 14 (1) a statement that the officer has reason to believe
- 15 and does believe that the person evidences mental illness;
- 16 (2) a statement that the officer has reason to believe
- 17 and does believe that the person evidences a substantial risk of
- 18 serious harm to himself or others;
- 19 (3) a specific description of the risk of harm;
- 20 (4) a statement that the officer has reason to believe
- 21 and does believe that the risk of harm is imminent unless the person
- 22 is immediately restrained;
- 23 (5) a statement that the officer's beliefs are derived
- 24 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:
1.0	
12	Notification Emergency Detention NO
13	THE STATE OF TEXAS
14	FOR THE BEST INTEREST AND PROTECTION OF:
1 -	
15	
16	NOTIFICATION OF EMERGENCY DETENTION
1.0	
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.
<b>4 4</b>	
22	2. I have reason to believe and do believe that the above-named
23	person evidences a substantial risk of serious harm to

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1	himself/herself or others based upon the following:
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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:
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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	<pre>are (if applicable):</pre>
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21	
22	
23	
24	For the above reasons, I present this notification to seek
25	temporary admission to the (name of facility)

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1	inpatient mental health facility or
2	hospital facility for the detention of (name of person to be
3	detained) on an emergency basis.
4	BADGE NO.
5	PEACE OFFICER'S SIGNATURE
6	Address: Zip Code:
7	Telephone:
8	A mental health facility or hospital emergency department may not
9	require a peace officer to execute any form other than this form as
10	a predicate to accepting for temporary admission a person detained
11	under Section 573.001, Texas Health and Safety Code.
12	(e) A mental health facility or hospital emergency
13	department may not require a peace officer to execute any form other
14	than the form provided by Subsection (d) as a predicate to accepting
15	for temporary admission a person detained under Section 573.001,
16	Health and Safety Code.
17	SECTION 2. Section 573.021(a), Health and Safety Code, is
18	amended to read as follows:
19	(a) A facility shall temporarily accept a person for whom an
20	application for detention is filed or for whom a peace officer files
21	a notification of detention under Section 573.002(a).
22	SECTION 3. This Act takes effect September 1, 2013.