

By: Naishtat

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)

