

By: Burkett

H.B. No. 1856

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a peace officer's determination whether medical  
3 services are needed for persons apprehended for emergency  
4 detention.

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

6 SECTION 1. Subchapter B, Chapter 573, Health and Safety  
7 Code, is amended by adding Section 573.013 to read as follows:

8 Sec. 573.013. TRANSPORTING OFFICER'S DETERMINATION OF  
9 MEDICAL EMERGENCY. (a) A peace officer shall transport a person  
10 apprehended under Section 573.001 or 573.012 to an appropriate  
11 medical facility if the officer determines or has reason to believe  
12 that the person requires emergency medical services or that the  
13 person is:

14 (1) experiencing acute intoxication or overdose from  
15 the ingestion of drugs or alcohol;

16 (2) experiencing chest pain;

17 (3) losing consciousness;

18 (4) bleeding or has sustained a serious injury;

19 (5) the victim of an assault or sexual assault; or

20 (6) a resident of a nursing home or assisted living  
21 facility.

22 (b) A mental health facility may not require a medical  
23 examination of a person transported to the facility by a peace  
24 officer under Section 573.001(d) before the facility receives the

1 person at the facility unless at the time the peace officer presents  
2 the person to the facility the peace officer determines the person  
3 should be transported to a medical facility as provided by  
4 Subsection (a).

5 SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2013.