

By: Burkett

H.B. No. 1947

A BILL TO BE ENTITLED

AN ACT

relating to the criteria for commitment of a person with mental illness.

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

SECTION 1. Section 571.003, Health and Safety Code, is amended by adding Subdivision (7-a) to read as follows:

(7-a) "Gravely disabled" means a person who, as a result of mental illness, is:

(A) suffering severe and ongoing mental, emotional, or physical distress;

(B) in danger of serious physical harm or serious illness due to the person's inability to function independently, which is exhibited by the person's inability due to mental illness, except for reasons of indigence, to provide for the person's basic needs, including food, clothing, shelter, medical care, health, or safety; and

(C) unable to make a rational and informed decision as to whether to submit to treatment.

SECTION 2. Section 574.034(a), Health and Safety Code, is amended to read as follows:

(a) The judge may order a proposed patient to receive court-ordered temporary inpatient mental health services only if the judge or jury finds, from clear and convincing evidence, that:

(1) the proposed patient is mentally ill; and

1           (2) as a result of that mental illness the proposed  
2 patient:

3           (A) is likely to cause serious harm to himself;

4           (B) is likely to cause serious harm to others; or

5           (C) is gravely disabled [+

6                   ~~[(i) suffering severe and abnormal mental,~~  
7 ~~emotional, or physical distress,~~

8                   ~~[(ii) experiencing substantial mental or~~  
9 ~~physical deterioration of the proposed patient's ability to~~  
10 ~~function independently, which is exhibited by the proposed~~  
11 ~~patient's inability, except for reasons of indigence, to provide~~  
12 ~~for the proposed patient's basic needs, including food, clothing,~~  
13 ~~health, or safety; and~~

14                   ~~[(iii) unable to make a rational and~~  
15 ~~informed decision as to whether or not to submit to treatment].~~

16           SECTION 3. Section 574.035(a), Health and Safety Code, is  
17 amended to read as follows:

18           (a) The judge may order a proposed patient to receive  
19 court-ordered extended inpatient mental health services only if the  
20 jury, or the judge if the right to a jury is waived, finds, from  
21 clear and convincing evidence, that:

22           (1) the proposed patient is mentally ill;

23           (2) as a result of that mental illness the proposed  
24 patient:

25           (A) is likely to cause serious harm to himself;

26           (B) is likely to cause serious harm to others; or

27           (C) is gravely disabled [+

1                   ~~[(i) suffering severe and abnormal mental,~~  
2 ~~emotional, or physical distress;~~

3                   ~~[(ii) experiencing substantial mental or~~  
4 ~~physical deterioration of the proposed patient's ability to~~  
5 ~~function independently, which is exhibited by the proposed~~  
6 ~~patient's inability, except for reasons of indigence, to provide~~  
7 ~~for the proposed patient's basic needs, including food, clothing,~~  
8 ~~health, or safety; and~~

9                   ~~[(iii) unable to make a rational and~~  
10 ~~informed decision as to whether or not to submit to treatment];~~

11                 (3) the proposed patient's condition is expected to  
12 continue for more than 90 days; and

13                 (4) the proposed patient has received court-ordered  
14 inpatient mental health services under this subtitle or under  
15 Chapter 46B, Code of Criminal Procedure, for at least 60  
16 consecutive days during the preceding 12 months.

17                 SECTION 4. This Act takes effect September 1, 2013.