

1-1 By: Zaffirini S.B. No. 36
1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 13, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Nelson	X			
1-10	Deuell	X			
1-11	Huffman			X	
1-12	Nichols	X			
1-13	Schwertner	X			
1-14	Taylor			X	
1-15	Uresti	X			
1-16	West	X			
1-17	Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 36 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the detention and transportation of a person with a
1-22 mental illness.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 573.001, Health and Safety Code, is
1-25 amended by amending Subsections (e) and (f) and adding Subsection
1-26 (e-1) to read as follows:

1-27 (e) A jail or similar detention facility may not be deemed
1-28 suitable for detention of a person taken into custody under this
1-29 section except in an extreme emergency that exists because of
1-30 hazardous weather or the occurrence of a disaster that threatens
1-31 the safety of the proposed patient or person transporting the
1-32 proposed patient. In the event of an extreme emergency, a person
1-33 may be detained in a jail or similar detention facility under this
1-34 subsection during the extreme emergency and for not longer than 12
1-35 hours after the extreme emergency ends. The sheriff or other
1-36 officeholder responsible for the facility shall only be required to
1-37 document and report the following to the Commission on Jail
1-38 Standards for each person detained in a jail or similar detention
1-39 facility for any month in which a person is detained under this
1-40 subsection:

1-41 (1) the time the person's detention begins;

1-42 (2) the duration of the detention;

1-43 (3) the reason for the detention; and

1-44 (4) the time a representative of the local mental
1-45 health authority is notified and arrives at the facility.

1-46 (e-1) For any month in which a report is required under
1-47 Subsection (e), the report must be submitted no later than the 15th
1-48 day of the following month.

1-49 (f) The sheriff or officeholder responsible for [A person
1-50 detained in] a jail or a similar detention [nonmedical] facility
1-51 shall ensure that a person detained in the jail or similar detention
1-52 facility is [be] kept separate from any person who is charged with
1-53 or convicted of a crime.

1-54 SECTION 2. Section 574.023, Health and Safety Code, is
1-55 amended by adding Subsection (e) to read as follows:

1-56 (e) A person taken into custody under this section may be
1-57 detained only in the manner provided by Section 574.027.

1-58 SECTION 3. Section 574.027, Health and Safety Code, is
1-59 amended by amending Subsections (c) and (d) and adding Subsections
1-60 (c-1) and (c-2) to read as follows:

(c) A person under a protective custody order may not be detained in a jail or nonmedical facility used to detain persons who are charged with or convicted of a crime except because of and during an extreme emergency that exists because of hazardous weather or the occurrence of a disaster that threatens the safety of the proposed patient or the person transporting the proposed patient. In the event of an extreme emergency, a person may be detained in a jail or nonmedical facility under this subsection during the extreme emergency and for not longer than 12 hours after the extreme emergency ends. The sheriff or other officeholder responsible for the facility shall only be required to document and report the following to the Commission on Jail Standards for each person detained in the jail or nonmedical facility for any month in which a person is detained under this subsection:

(1) the time the person's detention begins;
 (2) the duration of the detention;
 (3) the reason for the detention; and
 (4) the time a representative of the local mental health authority is notified and arrives at the facility ~~[and in no case for longer than 72 hours, excluding Saturdays, Sundays, legal holidays, and the period prescribed by Section 574.025(b) for an extreme emergency. The person must be isolated from any person who is charged with or convicted of a crime].~~

(c-1) The sheriff or officeholder responsible for a jail or a nonmedical facility described by Subsection (c) shall ensure that a person detained in the jail or facility under Subsection (c) is kept separate from any person who is charged with or convicted of a crime.

(c-2) For any month in which a report is required under Subsection (c), the report must be submitted not later than the 15th day of the following month.

(d) The county health authority shall ensure that proper care and medical attention are made available to a person who is detained in a jail or nonmedical facility under Subsection (c).

SECTION 4. Section 574.045, Health and Safety Code, is amended by adding Subsection (1) to read as follows:

(1) A patient restrained under Subsection (g) may be restrained only during the apprehension, detention, or transportation of the patient. The method of restraint must permit the patient to sit in an upright position without undue difficulty.

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

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