

BILL ANALYSIS

S.B. 344
By: West
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that giving emergency medical services (EMS) personnel the authority to transport certain persons believed to have mental illness for emergency detention after being taken into custody without a warrant by a peace officer could better serve public health by providing a more appropriate means of transport and could also enhance public safety by allowing law enforcement personnel to resume their duties more quickly. S.B. 344 seeks to give EMS personnel that authority under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 344 amends the Health and Safety Code to require a peace officer who takes a person the officer believes to have mental illness and pose a risk of serious harm to the person or to others into custody under certain conditions to immediately transfer the person, as an alternative to transporting the person to an appropriate mental health facility, to emergency medical services (EMS) personnel of an EMS provider in accordance with a memorandum of understanding executed under the bill's provisions for transport to such a facility. The bill requires EMS personnel of an EMS provider who transport a person to a facility at the request of a peace officer made in accordance with such a memorandum of understanding to immediately file with the facility the notification of detention completed by the officer who made the request. The bill revises the form for notification of detention.

S.B. 344 authorizes a law enforcement agency and an EMS provider to execute a memorandum of understanding under which EMS personnel employed by the provider may transport an applicable person taken into custody without a warrant by a peace officer employed by the law enforcement agency. The bill requires the memorandum of understanding to address responsibility for the cost of transporting the person taken into custody and to be approved by the county in which the law enforcement agency is located and the local mental health authority that provides services in that county with respect to provisions of the memorandum that address the responsibility for the cost of transporting the person. The bill authorizes a peace officer to request that EMS personnel transport a person taken into custody by the officer only if the law enforcement agency that employs the officer and the EMS provider that employs the personnel have executed a memorandum of understanding and the officer determines that transferring the person for transport is safe for both the person and the personnel. The bill authorizes EMS

personnel, at the request of a peace officer, to transport the person taken into custody by the officer to the appropriate facility, if the law enforcement agency that employs the officer and the EMS provider that employs the personnel have executed a memorandum of understanding. The bill requires a peace officer who transfers a person to EMS personnel under a memorandum of understanding for transport to the appropriate facility to provide to the person certain notice prescribed by state law and provide to the personnel a completed notification of detention about the person on the notification of detention form.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.