

By: Murr

H.B. No. 1289

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of a person believed to be a person with mental illness.

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

SECTION 1. Section 573.001, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) A peace officer who takes a person into custody under Subsection (a) shall immediately:

(1) transport the apprehended person to:

(A) ~~[(1)]~~ the nearest appropriate inpatient mental health facility; or

(B) ~~[(2)]~~ a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or

(2) transfer the apprehended person to a person listed in Section 574.045(a), who shall immediately transport the apprehended person to a facility described by Subdivision (1)(A) or (B).

(d-1) If a peace officer requests under Subsection (d)(2) that another person transport the apprehended person, the peace officer shall provide to the transporting person a completed notification of detention about the apprehended person on a form provided by Section 573.002(d).

1 SECTION 2. Sections 573.002(a), (d), and (e), Health and
2 Safety Code, are amended to read as follows:

3 (a) A peace officer shall immediately file with a facility a
4 notification of detention after transporting a person to that
5 facility in accordance with Section 573.001. A person who
6 transports a person to a facility at the request of a peace officer
7 under Section 573.001(d)(2) shall immediately file with the
8 facility the notification of detention completed by the peace
9 officer who made the request.

10 (d) The peace officer shall provide [~~give~~] the notification
11 of detention on the following form:

12 Notification--Emergency Detention NO. _____

13 DATE:_____ TIME:_____

14 THE STATE OF TEXAS

15 FOR THE BEST INTEREST AND PROTECTION OF:

16 _____

17 NOTIFICATION OF EMERGENCY DETENTION

18 [~~Now comes~~] _____, a peace officer with
19 (name of agency) _____, of the State of
20 Texas, [~~and~~] states as follows:

21 1. I have reason to believe and do believe that (name of person to
22 be detained) _____ evidences mental illness.

23 2. I have reason to believe and do believe that the above-named
24 person evidences a substantial risk of serious harm to
25 himself/herself or others based upon the following:

26 _____

27 _____

1 _____
2 _____

3 3. I have reason to believe and do believe that the above risk of
4 harm is imminent unless the above-named person is immediately
5 restrained.

6 4. My beliefs are based upon the following recent behavior, overt
7 acts, attempts, statements, or threats observed by me or reliably
8 reported to me:

9 _____
10 _____
11 _____
12 _____

13 5. The names, addresses, and relationship to the above-named
14 person of those persons who reported or observed recent behavior,
15 acts, attempts, statements, or threats of the above-named person
16 are (if applicable):

17 _____
18 _____
19 _____
20 _____

21 For the above reasons, I provide [~~present~~] this notification to
22 seek temporary admission to the (name of facility)
23 _____ inpatient mental health facility or
24 hospital facility for the detention of (name of person to be
25 detained) _____ on an emergency basis.

1 6. Was the person restrained in any way? Yes No

2 _____ BADGE NO. _____

3 PEACE OFFICER'S SIGNATURE

4 Address: _____ Zip Code: _____

5 Telephone: _____

6 A mental health facility or hospital emergency department may not
7 require a peace officer or another person who transports the person
8 to the facility or department to execute any form other than this
9 form as a predicate to accepting for temporary admission a person
10 detained by a peace officer under Section 573.001, Texas Health and
11 Safety Code, and transported by the officer or another person under
12 that section.

13 (e) A mental health facility or hospital emergency
14 department may not require a peace officer or another person who
15 transports the person to the facility or department to execute any
16 form other than the form provided by Subsection (d) as a predicate
17 to accepting for temporary admission a person detained by a peace
18 officer under Section 573.001 and transported by the officer or
19 another person under that section.

20 SECTION 3. Section 573.012, Health and Safety Code, is
21 amended by amending Subsection (e) and adding Subsection (e-1) to
22 read as follows:

23 (e) A person apprehended under this section shall be:
24 (1) immediately transported for a preliminary
25 examination by the peace officer in accordance with Section 573.021
26 to:

27 (A) [~~(1)~~] the nearest appropriate inpatient

1 mental health facility; or

2 (B) [~~(2)~~] a mental health facility deemed
3 suitable by the local mental health authority, if an appropriate
4 inpatient mental health facility is not available; or

5 (2) transferred to a person listed in Section
6 574.045(a), who shall immediately transport the apprehended person
7 for a preliminary examination in accordance with Section 573.021 to
8 a facility described by Subdivision (1)(A) or (B).

9 (e-1) If a peace officer requests under Subsection (e)(2)
10 that another person transport the apprehended person, the peace
11 officer shall provide to the transporting person the warrant issued
12 to the peace officer under Subsection (d).

13 SECTION 4. Section 573.021(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) A facility shall temporarily accept a person for whom an
16 application for detention is filed or for whom a peace officer or
17 other person files a notification of detention completed by the
18 peace officer under Section 573.002(a).

19 SECTION 5. This Act takes effect September 1, 2017.