

By: West

S.B. No. 344

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a licensed paramedic to transport a person for emergency detention.

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

SECTION 1. Section 573.001(d), Health and Safety Code, is amended 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 licensed paramedic in accordance with Section 573.005 to transport to a facility described by Subdivision (1)(A) or (B).

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

(a) A peace officer shall immediately file with a facility a notification of detention after transporting a person to that facility in accordance with Section 573.001. A licensed paramedic who transports a person to a facility at the request of a peace officer under Section 573.005 shall immediately file with the

1 facility the notification of detention completed by the peace  
2 officer who made the request.

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

5 Notification--Emergency Detention NO. \_\_\_\_\_

6 DATE:\_\_\_\_\_ TIME:\_\_\_\_\_

7 THE STATE OF TEXAS

8 FOR THE BEST INTEREST AND PROTECTION OF:

9 \_\_\_\_\_

10 NOTIFICATION OF EMERGENCY DETENTION

11 Now comes \_\_\_\_\_, a peace officer with  
12 (name of agency) \_\_\_\_\_, of the State of  
13 Texas, and states as follows:

14 1. I have reason to believe and do believe that (name of person to  
15 be detained) \_\_\_\_\_ evidences mental illness.

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

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

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

26 4. My beliefs are based upon the following recent behavior, overt  
27 acts, attempts, statements, or threats observed by me or reliably

1 reported to me:

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

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

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14 For the above reasons, I present this notification to seek  
15 temporary admission to the (name of facility)  
16 \_\_\_\_\_ inpatient mental health facility or  
17 hospital facility for the detention of (name of person to be  
18 detained) \_\_\_\_\_ on an emergency basis.

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

20 \_\_\_\_\_ BADGE NO. \_\_\_\_\_

21 PEACE OFFICER'S SIGNATURE

22 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

23 Telephone: \_\_\_\_\_

24 \_\_\_\_\_

25 LICENSED PARAMEDIC'S SIGNATURE (if applicable)

26 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

27 Telephone: \_\_\_\_\_

1 A mental health facility or hospital emergency department may not  
2 require a peace officer or licensed paramedic to execute any form  
3 other than this form as a predicate to accepting for temporary  
4 admission a person detained by a peace officer under Section  
5 573.001, [Texas] Health and Safety Code, and transported by the  
6 officer under that section or by a licensed paramedic at the request  
7 of the officer under Section 573.005, Health and Safety Code.

8 (e) A mental health facility or hospital emergency  
9 department may not require a peace officer or licensed paramedic to  
10 execute any form other than the form provided by Subsection (d) as a  
11 predicate to accepting for temporary admission a person detained by  
12 a peace officer under Section 573.001 and transported by the  
13 officer under that section or by a licensed paramedic at the request  
14 of the officer under Section 573.005.

15 SECTION 3. Subchapter A, Chapter 573, Health and Safety  
16 Code, is amended by adding Section 573.005 to read as follows:

17 Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY  
18 LICENSED PARAMEDIC. (a) A peace officer may request a licensed  
19 paramedic to transport a person taken into custody by the officer  
20 under Section 573.001 only if the officer determines transferring  
21 the person to the licensed paramedic for transport is safe for the  
22 person and the paramedic.

23 (b) A licensed paramedic may, at the request of a peace  
24 officer, transport a person taken into custody by the officer under  
25 Section 573.001 to the appropriate facility as provided by that  
26 section.

27 (c) A peace officer who transfers a person to a licensed

1 paramedic under this section to be transported to the appropriate  
2 facility must provide:

3 (1) to the person the notice described by Section  
4 573.001(g); and

5 (2) to the paramedic a completed notification of  
6 detention about the person on the form provided by Section  
7 573.002(d).

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

10 (a) A facility shall temporarily accept a person for whom an  
11 application for detention is filed or for whom a peace officer or  
12 licensed paramedic files a notification of detention completed by  
13 the peace officer under Section 573.002(a).

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2017.