

By: Coleman

H.B. No. 3681

A BILL TO BE ENTITLED

AN ACT

relating to preliminary examination periods for mental health protective custody.

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

SECTION 1. Section 573.021(b), Health and Safety Code, is amended to read as follows:

(b) A person accepted for a preliminary examination may be detained in custody for not longer than 72 ~~[48]~~ hours after the time the person is presented to the facility unless a written order for protective custody is obtained. The 72-hour ~~[48-hour]~~ period allowed by this section includes any time the patient spends waiting in the facility for medical care before the person receives the preliminary examination. If the 72-hour ~~[48-hour]~~ period ends on a Saturday, Sunday, legal holiday, or before 4 p.m. on the first succeeding business day, the person may be detained until 4 p.m. on the first succeeding business day. If the 72-hour ~~[48-hour]~~ period ends at a different time, the person may be detained only until 4 p.m. on the day the 72-hour ~~[48-hour]~~ period ends. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may, by written order made each day, extend by an additional 24 hours the period during which the person may be detained. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster.

SECTION 2. The change in law made by this Act to Section

1 573.021, Health and Safety Code, applies to an emergency detention  
2 that begins on or after the effective date of this Act. An emergency  
3 detention that begins before the effective date of this Act is  
4 governed by the law as it existed immediately before that date, and  
5 that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2019.